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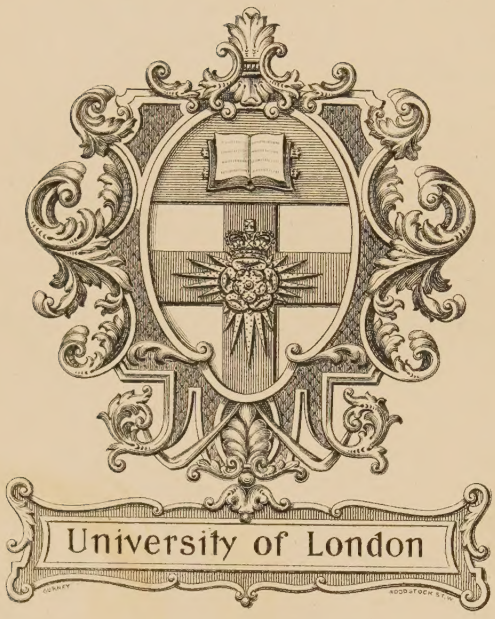

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HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF

" THE PARLIAMENTARY HISTORY OF ENGLAND, FROM THE EARLIEST PERIOD TO THE YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

VOL. XIX.

COMPRISING THE PERIOD FROM

THE SECOND DAY OF JULY,

TO

THE TWENTY-FIFTH DAY OF JULY, 1833.

Fifth Volume of the Session.

LONDON:

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1833.

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HANSARD'S

Parliamentary Debates

During the FIRST SESSION *of the* ELEVENTH PARLIAMENT *of the United Kingdom of* GREAT BRITAIN *and* IRELAND, *appointed to meet at Westminster, 29th January*, 1833, *in the Third Year of the Reign of His Majesty*

WILLIAM THE FOURTH.

Fifth Volume of the Session.

HOUSE OF LORDS,
Tuesday, July 2, 1833.

MINUTES.] Papers ordered. On the Motion of the Duke of WELLINGTON, an Estimate of the Financial Results upon the Revenues and Charges of India of the Plan under Consideration for the future Government of that Country.

Petitions presented. By Lord WILLOUGHBY DE ERESBY, from the Boston Public Library, for the Repeal of the Taxes on Knowledge.—By Lord SUFFIELD, from Kingston-upon-Hull, for a Negotiation with France and other Powers for the Benefit of Poland.

HOUSE OF COMMONS,
Tuesday, July 2, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. RONAYNE, a Copy of Instructions sent by Mr. Kemmiss to Mr. Gun relative to his Proceedings for the Collection of Tithes in the County of Tipperary.—On the Motion of Mr. ROBERT WALLACE, the Names and Designations of the Persons forming the Commission of Inquiry into the State of the Laws and Judicatories in Scotland, with the Instructions given to them, and the Amount of Remuneration they are to receive.—On the Motion of Mr. PEASE, the Names of Commissioners appointed, and now officiating for the issue of Exchequer-bills for Public Works in England: Accounts of the yearly Expenses of the said Commissioners, for each year, since 1831, and of the Amount of Exchequer-bills issued by them.—On the Motion of Mr. E. RUTHVEN, an Account of all Persons on the Sheriffs Paper as Jurors in the County of Kildare, who were Fined within the last Twelve Months.

Bill. Read a third time:—Drainage Rates Recovery.

Petitions presented. By Sir ROBERT INGLIS, from the Medical Practitioners of York, against the Apothecaries Bill.—By Mr. WYNDHAM, from several Places, against the Tithes Commutation Bill.—By Lord PALMERSTON, from a Congregation of Independents at Lymington, against Slavery.—By the Sheriffs of London and Middlesex from the City of London, for the Repeal of the Septennial Act.—By Mr. HUME, from a Number against the present System of Church Patronage in Scotland.—By Lord SANDON, from the Medical Practitioners of Liverpool, and Mr. RONAYNE, from an Individual, against the Apothecaries Act.—By Mr. BOWES, from Barnard Castle, against the proposed Alteration in the Bank Charter.—By Mr. HARDY, from the Chairman of a Meeting of Overlookers of Mills and Factories of Bradford (York); and by Mr. HODGSON, from Newcastle-upon-Tyne,—in favour of the Factories Regulation Bill.—By Mr. AYSHFORD SANFORD, from several Places, against the Tithes Commutation Bill.—By Major KEPPEL, from Henstead, Norfolk, for the Repeal of the Tax on Carts.—By Mr. GROTE, from London, Lord SANDON, from Liverpool, and Mr. HODGSON, from Sunderland, against the Notaries Public Bill.—By Sir ANDREW AGNEW, from a Number of Places, in favour of the Lord's Day Observance Bill.—By Mr. HAWKINS, from Newport, Isle of Wight, for the Repeal of the Septennial Act.—By Mr. HYETT, from Stroud, against the Rating of Tenements Bill.—By Mr. ABERCROMBIE, from Edinburgh, in favour of the Royal Burgh (Scotland) Bill; from the Royal College of Physicians of that Town, against the Apothecaries Bill; from the Magistrates and Town Council of the same, for an additional Duty on Spirits; from the Chamber of Commerce of the same, for the Abolition of the Duty on Stamped Receipts; from a Wesleyan Congregation, for the Abolition of Slavery; from Stranraer, for an Alteration in the Reform of Parliament (Scotland) Bill.

OPORTO TRADE.] Mr. *Grote* presented a Petition from the Merchants of London, trading with Oporto, complaining of the great loss which they had already sustained, and the injury to which they were continually exposed in consequence of the continued struggle existing for the last ten months in Portugal. The complainants stated, that they and other English merchants were in the habit of making large purchases of wine, which were deposited in Villa Nova, on the south side of the Douro, and consequently ex-

posed to the chances of war from the batteries on each side of the river, and the other operations between the contending parties. The House was, perhaps, not aware that English property, to the amount of 1,000,000*l.* sterling, was exposed in that manner. The solvency, if not the very existence, of the petitioners depended on some decided steps being taken by the Government. Their property to a great extent was injured by the cannon-balls, and the bursting of shells among their wine magazines. They had been anxious to get their wines shipped to this country, but from difficulties and delay interposed by the government of Don Miguel, it had been found impracticable; and they now intreated the sympathy and support of the House, for the purpose of making some vigorous efforts to rescue their property from its present hazardous and ruinous state. They did not in any degree complain of the conduct of his Majesty's Government, but this injury and this distress still impelled them to seek their assistance in the immediate liberation of their property. The petitioners had done everything they could, to effect the removal of the difficulties which had opposed the exportation of the wines; they had even offered the payment of double duties to the contending parties, but they were defeated in their efforts. He begged to recommend the prayer of the petition to the serious consideration and sympathy of his Majesty's Government.

Mr. *Robinson* supported the prayer of the petition. The Newfoundland trade would be seriously affected in consequence of the shutting up of the port of Oporto. The very existence of the parties concerned in that trade depended upon the ports of Portugal being accessible to their produce. He made no charge against the Government; on the contrary, he believed that all persons connected with the trade of Portugal were perfectly satisfied with the steps the Government had taken, and that it had been anxious to do justice.

Viscount *Palmerston* could assure the House that this petition should not escape the attention of the Government, and he was much obliged to the hon. Gentleman who had just sat down for doing justice to the anxiety the Government had felt to do justice to the petitioners, but there was some little difficulty in interfering in this matter, without appearing to depart from that line of neutrality which the Government had determined to pursue; at the same time, occasions might arise in which it would be imperative on the Government to interfere in defending British subjects. It was true, that by the treaties between the two countries, even in case of war between England and Portugal, the subjects of this realm would have a right to remove their persons and their property without molestation; and, therefore, it did appear to him they were doubly entitled to that facility in the time of peace. It was not on the part of the merchants that any difficulty arose, the existing difficulties arose on the part of the government of Don Miguel. They were still in communication with that government, and, therefore, he was anxious that an arrangement should be made which would be satisfactory to all parties. He could not help declaring his opinion that the manner in which that warfare had been carried on by the army of Don Miguel against Oporto was unprecedented in the history of civilized countries. He could only say, Government had declared to the authorities of Don Miguel that they would hold Portugal responsible for all damage done to British property in consequence of Don Miguel's refusal to let it be withdrawn from Oporto.

Petition to lie on the Table.

Redemption of the National Debt.] Mr. *Buckingham* said, that in drawing the attention of the House to the subject of his Motion, he was fully aware of the disadvantages under which he laboured, in having to address so small a number of Members (there being about 100 only present), more especially as expectations had been raised that another subject—that of triennial Parliaments, would have been presented to them; and their disappointment at its necessary postponement, might, in some degree, indispose them to hear any other topic with equal readiness or attention. Notwithstanding this, he hoped that before he resumed his seat, he should be able to convince them that there was no subject of greater importance to the whole community, than that to which he would immediately address himself: and that there was no time more favourable than the present for entering on its consideration. He asked only their patient attention for a reasonable portion of time; and he would evince his sense of its value, by

not wasting a single moment of it on idle declamation or rhetorical display; but proceed at once to the object in view. His Motion embraced two distinct propositions, which he should have preferred treating separately, had there been time; but having been obliged, from the impossibility of commanding two separate occasions on which to effect this, to treat them together, he would keep them as distinct from each other as he could, showing, however, at the same time, the connection which, notwithstanding, existed between them. His first proposition was, to diminish progressively, and ultimately extinguish altogether the burthen of the National Debt: and the next was, to raise a tax upon property or income, or both, to form a surplus fund, which should enable the Parliament progressively to repeal those imposts that bear most heavily at present on the various interests of the country, and more especially on the laborious and industrious poor. He would begin, then, by drawing the attention of the House to the singular position in which Great Britain stood at the present moment. She had achieved extensive conquests in either hemisphere, and spread her extended dominions over every quarter of the globe; yet all her conquests and her acquisitions had proved to be only sources of difficulty and embarrassment on every side. Our empire in the East had been so ruinous, that while it impoverished those over whom our sway was exercised, it encumbered with debt those by whom the ruling power was enjoyed. Our possessions in the West had been so unproductive of benefit, that declining cultivation, diminished population, and decaying fortunes, were their characteristics: and we were now on the point of passing judgment on both, by an entire change of system for their management. Our position was, indeed, one of marked contrasts. We were the strongest of nations in our long established reputation; we were among the weakest, in actual power, and strength: so much so, indeed, that though we once gave the law to Europe, and dictated treaties to her crowned heads, we were now unable to assist the most oppressed among other nations, or even to maintain the dignity of our own, from the utter helplessness to which our embarrassments had reduced us. We were overwhelmed, it was said, by some, with increased and increasing wealth, to such an extent, as that capital was represented as lying idle for want of employment. We were at the same time witnessing around us, a daily increase of misery and suffering, arising from the abject poverty into which thousands were plunged. There was a superabundance of the means of enjoyment in the hands of the wealthier classes, and a deficiency of the means of subsistence among the poorer, and unhappily, the larger, section of the community. These were the painful and the fatal extremes which generally preceded the decline of nations; and he could not but feel alarmed at this melancholy precursor of that social dissolution which was fast hastening on to its consummation in England, and which nothing but some prompt and timely remedy could avert. He would contend, then, that this remedy lay, in a more general diffusion of the existing wealth of the country, which he believed to be fully adequate to the supply of all our wants. Independently of the pleasure which every good and wise Legislator must feel in increasing the happiness of those subject to his rule, as a mere matter of state policy, it was desirable to promote such diffusion; for, undoubtedly, the competent enjoyments of the necessaries and comforts of life, had been always found to be the best security for order and peace; while, on the other hand, want and misery were the certain incitements to lawless outrage and reckless violence: and so long as self-preservation should be held to be the first law of nature, so long would hunger, thirst, and nakedness, drive men to acts of desperation, to obtain by force what they could not command by other and more peaceable means. Among the causes that had been assigned for the distress which almost all parties now admitted to exist, the one most generally admitted was that of surplus production —and the other, which followed immediately in its train, was surplus population. He believed it was neither; but that a far more intelligible cause might be found in unequal distribution. The production was not greater than the existing population could consume, if they could but get it into their possession. The population was not greater than could be fed, clothed, or lodged, most fully and comfortably, if they had but the means of purchase. For, what was the fact? If any human being suffered hunger, was it because there was an actual deficiency of food in the coun-

try? Was any man destitute of raiment, because there was a deficiency of clothing? Or, was any family without a home or a shelter, because there were no unoccupied dwellings for their use? Was it not notorious, that while the people of Ireland were feeding on sea-weed, the golden harvests of her fertile fields, and the fattened cattle of her richest pastures, were sending away from that country, to be sold for the benefit of the already over-gorged and luxurious landlord? And was it not a fact equally well established, that while the warehouses of Leeds and Manchester were piled up with the materials of clothing for export to other countries, and while in every town and village, innumerable dwellings were without occupants, there were thousands of industrious and virtuous men, women, and children, without a sufficiency of food, raiment, or shelter? He conceived, then, that though there might be more goods produced than men could buy, it was not a superabundance of produce, but a deficiency of the means of purchase, that should be corrected; and though there might be more people than could find employment, it was not a superabundance of population, but a deficiency of the means, which a better distribution of the existing wealth of the country would give to them, that required to be remedied. How, then, it might be asked, did he propose to effect this object? He should answer—By a complete revision of our system of Finance; first, by diminishing the burthen of the debt—next, by reducing every other burthen of the State within the narrowest limits—and, above all, by raising the amount of the revenue, which might be deemed indispensable for the fulfilment of our engagements, and the maintenance of our institutions, in the way that should occasion the least injustice in its proportionate pressure, and be the least wasteful in its collection and its expenditure. To show that, next to a reduction in the actual amount of the public burthens, the mode by which that indispensable amount should be raised, was of the highest importance, he would read for the information of the House, an extract from the speech of the right hon. the President of the Board of Trade, the member for Manchester (Mr. Poulett Thomson), whom he was sorry he did not see in his place, delivered on the 25th of March, 1830, in this House. [The hon. Member read a passage; for which see *Hansard* (new series) xxiii. p. 863-864]. Now, the chief argument that had been brought forward in the House of Commons, when any extensive reduction had been proposed, was this:—"It may seem very easy to reduce the amount of our charges, and to retrench something from an expenditure of fifty millions; but, in reality, the amount on which we have to effect reductions of any kind is so small, as not to admit of very extensive operations. The interest of the national debt alone is thirty millions, or more than half the gross revenue. The dead weight of half-pay, and pensions, the Civil List, and other fixed charges, cut largely into the remaining portion; and neither of these can be touched without a breach of faith, and violation of the public honour; and the fourteen or fifteen millions that remain, is the only portion of the whole annual expenditure that we can by possibility even touch in the way of reduction." This was, indeed, a melancholy picture. For what was the certain consequence? It was this, that while our superiority over other nations consisted almost entirely in our greater manufacturing skill, which alone enabled us to bear up against the pressure of this debt, those other nations were making daily nearer and nearer approaches to us, in that which constituted our superiority, while they, happily for themselves, made no advances towards our state of debt; so that when they became our equals in the one respect, (as soon they would) they would be greatly our superiors in the other; and the same exemption from the burthens that bear us down, which enabled them to overtake us in the race, would also enable them to pass by us, with an accelerated rapidity of career, that would leave us far and far behind: our relative conditions being, that while we were laden with burthens that altogether impeded our progress, they, having no such burthens, would soon leave us at an immeasurable distance behind; and this advanced position being once attained by them, we could never hope again to overtake them in their career. The reduction of the public burthens was the only real cure for the evils that threatened us; and, as the interest of the National Debt was by far the largest item in our expenditure, that should undoubtedly be first placed in the way of a speedy and effectual reduction. And lest the parties interested in maintaining the permanency

of that debt should begin to be alarmed at any invasion of their interests by the step proposed, he (Mr. Buckingham) would briefly state to them the dangers which now endangered the security of their property, should not steps be taken to remove them. There was now spreading, far and wide, a continually increasing objection to the payment of the debt in full, and grounded on the following reasons:—1. That it was originally contracted by an irresponsible Legislature—the loans being authorised by a House of Commons filled by the nominees of the Aristocracy, and neither representing the interests nor feelings, nor responsible to the judgment or opinions, of the people of England.—2. That these loans, when so raised, were unjustly squandered in foreign wars, waged against the spread of free and liberal opinions, and in support of the despotic powers of the Continent.—3. That what was not then squandered abroad, was expended at home in the promotion of the private benefits of aristocratical families, to the aggrandisement of favoured individuals, and to the people's wrong.—4. That the debt was contracted in a currency so much inferior in value to the present, that we were now called upon to pay at least one-third more in amount than was actually due.—5. That in the large interest and other advantages received, this debt has been already in great part, if not wholly repaid.—6. That while property of every other kind had been subject to grievous imposts, the public funds had been exempted from their fair share of the public burthens.—7. That the labour of the industrious poor, and that of children yet unborn, had been unjustly pledged, or assumed to be pledged, and, therefore, assessed for the payment of its interest. From all these objections, into the soundness or unsoundness of which he would not enter, there was a continually increasing indisposition to acknowledge the liability of the public to repay this debt in full; and it was, consequently, exposed to the risk of being entirely annihilated by the first great political convulsion, or a large portion of its nominal amount cancelled, by the decision of public opinion. As to a repayment of the principal, the most sanguine person now living never dreamt to see that accomplished; indeed, it might safely be pronounced to be hopeless; and even the discharge of its interest might become impossible whenever the revenue should greatly decline; as the noble Lord, the Chancellor of the Exchequer, would undoubtedly admit, that the first appropriation of the revenue should be to the support of the necessary establishments of the country; and the surplus, over and above this, should be applied to the payment of the interest as far as it would go: but if taxation should have been found to be carried to its utmost limits, and the public establishments be reduced as low as was consistent with national safety, and still the surplus was insufficient to pay the interest of the debt, the holders must equitably divide among them whatever remained, to the extent of its amount, in proportion to their respective shares, and with that they must be content, as no more could be had. He would ask, then, whether, under all these circumstances, it would not be wise to adopt some plan by which these risks might be avoided: and to seize the present moment of a profound peace, and when the interest of money, from its very abundance, was extremely low, to secure its gradual reduction and final extinction, within a period not too near to create embarrassment, nor too remote to produce no benefit. The plan that he would propose for this purpose would be as follows: It was well known, that the existing stocks, of which the public funds were composed, were so varied in their nature and denominations, as to puzzle all but those initiated in their mysteries.—There were the 3 per cent. Consols, and the 3 per cent. Reduced—the New $3\frac{1}{2}$ per cents., and the Reduced $3\frac{1}{2}$ per cents.—the 4 per cents. of 1826—and the New 5 per cents.—There were the Long Annuities—South Sea Stock—Exchequer Bills—and such a variety of denominations of principal, and different rates of interest, as to be quite confounding. The origin of this, undoubtedly, was, to promote the deceitful juggles which were continually practised in the funds, by former Chancellors of the Exchequer, whose great aim it seemed to be to make every thing as mysterious and unintelligible as possible to all parties but themselves, and thus keep the people in ignorance of the real state of the finances of the country. He remembered indeed to have once heard a reason assigned for Mr. Pitt being called "the heaven-born Minister"—which was, that no "earthly-born" person could by any possibility unravel the mysteries in which his budgets were always enveloped. He would propose, then, that all these various

denominations of stock should be converted into one, by a transfer of the amount held by different parties in each of the old stocks, to be taken at the fair marketable value, from thence into the new. This new stock to be called "The National Annuity Fund," and to bear interest at five per cent. per annum, at the commencement, to admit of its gradual diminution. The interest of this stock would thus be 100 shillings per cent. in the first year; and he would propose, that it should then diminish regularly by one shilling per cent. only, for 100 years in succession, when principal and interest would both become extinct together. The practical operation would then be this: that for every 100*l.* of the new stock so held, the possessor would receive an interest of 5*l.* in the first year, 4*l.* 19*s.* in the second, 4*l.* 18*s.* in the third, and so diminishing a shilling per cent. every year. In the year 1843, he would still be receiving 4*l.* 10*s.* per cent.; in the year 1853, he would be receiving 4*l.* per cent.; and it would not be until the year 1873, or forty years hence, that his interest would be reduced to three per cent. which might then be considered perhaps about the par of the day. The advantage of such a gradual and almost imperceptible diminution of interest as this, would be, that no party now living, could be injured to any extent by its operation. The fluctuation would not be nearly so great as that which actually took place in the value of money, and the consequent rise or fall of interest in the market, every year: while, the possessors of the stock constantly varying; and the stock perpetually changing hands, the trifling reductions from year to year would be spread over a wide surface of the whole community, and, consequently, not be felt by any class severely. Supposing the present interest of money to be four per cent., and the new stock to be opened at five—it was clear, that for the next twenty years, all the holders of that stock would be receiving an interest above par; and this circumstance alone would make the change more advantageous than the existing rate to all those to whom the gains of the next twenty years were of more consequence than the eighty years that were to follow—and that would probably embrace the largest portion of those by whom the stock would be held: as, at present, the holders were chiefly persons of small fortunes, and tolerably advanced age, to whom an increase of immediate income would be of more value than any remote or contingent benefit to their successors. For the first twenty years, then, all the parties consenting to such transfer would be benefitted, by receiving an interest above par: for the next twenty years, they or their children would be still receiving what might be considered the fair market-rate of interest at that time —from four to three, or averaging three and a-half per cent.—and it would be only the generation yet unborn upon whom the latter portion of the loss would fall; and even they would have a large countervailing benefit, arising from this very diminution, by their coming into existence in a nation, which, having thus freed itself from the incumbrance of its 800,000,000*l.* of debt, would be relieved of its greatest burthen, and be able to run an equal race with every other country in the world. In this proposition, let it be remarked, there was no confiscation—no spoliation—the national honour and the public faith would be as essentially maintained, as if the whole of the 800,000,000*l.* were to be repaid in full: as the principle of sinking a fixed sum in capital, to receive an annuity for a prescribed term, or the conversion of a perpetual into a life annuity, was recognized as perfectly honest and honourable, and acted upon in every country of Europe, as well as in America, every day. It would be a bargain made by two consenting parties, each interested in its success: —and affording, as it would, an annual diminution of the amount of interest, and an annual extinction of a portion of the principal, it would render the Debt, thus gradually diminishing in its amount and pressure, far less liable to those objections, or to those risks, already enumerated, by the cheerfulness with which all men consent to bear a reasonable and decreasing burthen, when they see a clear prospect of relief from it before them. The next consideration then was, what would be the increased amount of interest necessary to be paid for the conversion, and from what sources of taxation ought the fund for such increased payment to be drawn. It would of course be a matter of consideration for the Committee which he asked to be appointed, and for the accountants whom they might find it necessary to consult, to settle the exact rates at which certain sums held in existing stocks should be transferred to the new. But the object being a commutation

or compromise between the holders of stock and the nation, he would take the proposed rate of interest to be paid by the Government as the highest, and the actual rate of interest for which money could now be had as the lowest, and thus strike the average between three-and-a-half and five, which would be four-and-a-quarter per cent. It would be fair to make the transfer at such a rate, as that whatever principal sum would yield 4*l.* 5*s.* of interest, in either of the existing stocks, should be transferred into the new annuity fund as 100*l.* of principal, bearing interest at five per cent, and diminishing one shilling per cent for 100 years, as before described. This then would require an addition of about 5,000,000*l.* of increased interest, calculated upon this data, that the present amount of interest paid is 28,000,000*l.*; and that on every 4*l.* 5*s.* of interest now paid, an addition would have to be made of 15*s.*, to make it up to 5*l.* the interest of the 100*l.* principal in the new national annuity fund. For the payment of this additional 5,000,000*l.* of interest, he considered that the property of the kingdom should be assessed. Indeed, there were many who held an opinion, and he confessed he was one of this number, that the property of the country, and that alone, should be made to pay the entire interest of the debt: for it was said, and said truly, that it was to protect the property then in existence, that the debt was contracted, and those whose property had thereby been saved, ought undoubtedly to bear the burthen. He thought he could illustrate the justice of this position by a familiar comparison. Let it be supposed, for instance, that a large factory in Manchester was either attacked or threatened by a mob from without, and the presence of the hon. Member opposite (Mr. Phillips, of Manchester) who was seated immediately behind the Chancellor of the Exchequer, had suggested to him the idea of this illustration, which was the passing thought of the moment; suppose for instance such a factory attacked, the owner is desirous of protecting it from the violence of its assailers; but his existing means being exhausted, he borrows money to pay the protecting force that he employs for its defence: and he pledges or mortgages the property itself, thus saved from destruction, for the perpetual payment of the interest. Now that this property, so protected, should be made to pay the cost of its own protection, into whose hands soever it might fall, would be perfectly just. But what would be said of the master who should tax all the labour of every man, woman, and child, who hereafter might work in that factory, for the payment of such interest, for the protection of a property in which they had no share, and which possibly was thus burthened with debt, before they were brought into existence. And yet this was precisely the case of England,—her debt, its mortgaged securities, and the payers of its interest. It was to protect the property then existing that the debt was contracted, —the property alone should bear the charge of its interest: and it was most unjust to tax, as was now done, the industry and the labour of the people then unborn, for the payment of a debt contracted to protect a property in which they had no share, and in which they were denied all participation. He conceived, therefore, that nothing could be more just than that this additional interest of 5,000,000*l.*, to be paid as the price of the proposed conversion of the fixed debt into terminable annuities, should be raised by a tax on the property of the kingdom; and out of the annual saving occasioned by the gradual diminution of that amount, which would be the one-hundredth part of the whole sum of 33,000,000*l.*, (the conjoint amount of the present 28,000,000*l.*, and the future 5,000,000*l.* to be added) or 330,000*l.* per annum, the taxes bearing most heavily on the agricultural, commercial, and shipping interests of the country might be progressively abolished, so as to relieve each in their turn, and all ultimately, from one common source. He would not, however, disguise the fact, that over and above the immediate benefit, which he believed would result from the conversion proposed, he wished to show that a Property or Income-tax was the fairest as well as the easiest levied of all taxes, and having once proved its superiority to every other, by its adoption for this specific purpose of lightening the burthen of the debt, he should hope that it would be ultimately adopted, as the only tax, from which to raise the entire revenue, to the gradual abolition and ultimate extinction of every other tax, duty, impost, or burthen whatever. He was quite aware that this would be conceived an ultra doctrine of finance, by the noble Lord the Chancellor of the Exche-

quer, and by many of those, who in this, as well as in other matters, could only venture on a "bit-by-bit reform." But he had not taken up this subject hastily; he had given to it deep thought, and severe investigation; and was more and more convinced, by every reflection made upon the subject, that it was not by taking off a little of the pressure here, and putting on a little there, that the weight of the burthen was to be alleviated. The only effectual remedy, was a total change and an entire revision of the whole system of taxation, on principles the very opposite of those that were now acted on. He was aware that this was a bold assertion, but if the House would still indulge him with their patient attention, he thought he could prove this to their entire satisfaction, by laying before them the series of considerations which had progressively established him in the convictions that he now entertained. He would begin then, by stating what he considered to be the leading principles of just and equitable taxation. They were these,—1. That the smallest amount possible should be taken from the people: because, whatever is left in their possession may contribute to their enjoyment, or be made the nucleus of future increase.—2. That the nature of the tax should be simple and intelligible: because, a cheerful assent to the justice of an impost is essential to its ready payment: and this cannot be given unless it is clearly understood.—3. That it should be economical in its collection: because all waste in that operation is equally lost, both to payer and receiver.—4. That it should be favorable to consumption: because, labour is the only source of wealth which the great mass of every community possesses: and the more consumption is increased, the more that labour is called into demand, and the higher are its rewards. 5. That it should bear a strict relation to the means of individuals to pay it: because, by this alone can content or justice, be maintained.—6. That it should be difficult of avoidance: because, all shrinking from a common duty is fraudulent and cowardly: and because all should be compelled to bear their fair share of the burthens of the state. Now, if these principles were sound,—and from the token of assent by which they were hailed, he was encouraged to hope that their accuracy was not disputed,—then he should be prepared to show that nothing could be more unsound than the existing system of taxation, in England, which violated every one of these principles in succession: as would be seen by comparing the results with the principles, according to their numerical order.—1. Much more was taken from the people by the existing system than was either necessary or useful; their comforts were abridged, and their means of accumulation stinted, from mere excess of taxation alone.—2. The existing taxes were now so multifarious and unintelligible, that not only were they not to be understood or remembered by ordinary men, from whom the payment was exacted: but he thought it might be true to say that even the right hon. Gentleman, the Secretary of the Treasury, (Mr. Spring Rice) who, he was sorry to see, had just left his place, that even he, whose especial business it was to understand thoroughly the whole of the taxes, might be asked what was the existing duty per ton, or hundred, or foot, or pound, on a variety of articles that might be named to him, and he would be utterly unable to answer, without reference to voluminous tables and schedules, or a conference with some clerk of the department in which such information might be found.—3. Its expense of collection was enormous: and he had never been more forcibly struck with this, than when recently looking over some papers connected with his researches into the evils of impressment, he had found that the collection of the merchant seamen's tribute of 6*d.* per month per man, for the support of the Greenwich Hospital, cost twenty-and-a-half per cent, and it was thought to be a great reform to reduce it down to eighteen. What, then, with all costly machinery of Customs and Excise, blockade services, revenue vessels, surveyors and clerks, the expense was altogether most extravagant, and under a simple system of taxation would be wholly unnecessary.—4. The existing taxes impeded consumption in every class of life: for the duties being placed on commodities, every increase to their price must lessen their use, and consequently labour being thereby less in demand for the preparation of the smaller quantity thus consumed, every man whose labour was his only wealth, was injured to a great extent, by the market for his labour being narrowed, by the imposts lessening the sale of the article on which his labour is employed.—5. Instead of its being in pro-

portion to men's means of payment, it was just the reverse: for it had been proved, by careful investigation, that while the very wealthiest, who could spare the largest share, were not taxed at a rate of more than five per cent on their gross incomes, the very poorest classes were taxed at a rate of more than twenty-five per cent on the amount of their scanty earnings.—6. The avoidance of the existing taxes was easy, common, and scarcely deemed objectionable; and between smugglers, who directly cheated the revenue, in open defiance of the laws,—and absentees, who by spending their fortunes abroad, contributed nothing to the revenue at all,—and misers, who, while hoarding their gold, are withholding their fair share of contributions to the duties on commodities which they abstained from consuming, the state was defrauded, and the honest portion of the tax-paying public surcharged to a great extent every year. In addition to all this, there was the great injustice, and he might even add, immorality, of many of the existing taxes, of which he would mention but a few, for the catalogue was too long and too melancholy to be given in full. 1. There were taxes on justice, in the shape of stamps and fines, in almost every stage of legal proceedings.—2. Taxes on knowledge, by the imposts on newspapers, and the duty on paper used for written correspondence and printed books.—3. Taxes on distress, by licences and other duties on all sales by auction of estates, houses, furniture, and goods,—whether seized by a Sheriff in execution, or a landlord for rent.—4. Taxes on prudence, in the duties on insurance by land and by sea.—5. Taxes on inventions, discoveries, and announcements, by the fees for patents, duties on advertisements and other similar imposts. 6. and lastly, taxes even on improvements, so ingeniously contrived, as to impede the very progress in those arts and manufactures by which we maintained our superiority over all other countries, and by which alone we could hope to continue that pre-eminence which we now enjoyed. This was really as absurd, as if an individual, perceiving that his great superiority over his fellow-men consisted in his muscular power, his vigorous activity, and commanding strength —should bind his limbs with cords and ligatures, on purpose to deprive himself of that very superiority which constituted his chief excellence and his honest pride. To show that he was not overstating this self-injury and self-injustice, he would read a passage from a deservedly high authority on all matters of taxation and finance, both in that House and elsewhere—he meant the right hon. Baronet, the member for Dundee, Sir Henry Parnell. In his excellent work on "Financial Reform," when speaking of the injurious operation of the Excise-laws on our processes of manufacture, he said:—'By prescribing the processes of fabrication, the manufacturer is 'not allowed to manage his trade in the 'way his skill and experience point out 'as the best; but he is compelled to 'conform to such methods of pursuing his 'art as he finds taught in Acts of Parliament. Thus the unseen injury arising 'from excise taxation, by its interference 'with the free course of manufacture, is 'much greater than is suspected by the 'public. The consequence of the activity and invention of the manufacturer 'being repressed is, that the consumers of 'their goods pay increased prices not only 'for the duties imposed on them, but for 'the additional expense incurred by absurd and vexatious regulations; and, in 'addition to this, goods are generally very 'inferior to what they would be if no 'duties existed.' The consequences, then, of this state of taxation, were those of unmixed evil. By its varied operations on the various classes of society, it continually arrayed one class or interest against another; and accordingly, whether a new tax was to be imposed, or an old one taken off, some party or another was sure to be dissatisfied. He appealed, indeed, to the noble Lord, the Chancellor of the Exchequer himself, whether he had ever yet conferred a boon, as it was called, on any one class, by lightening their burthens, without having at the same time dissatisfied four or five other classes, because the preference had not been shown to each of them before the other. In short, it was some thing like the exercise of patronage, where, though one person was sure to be pleased with receiving the appointment, half-a-dozen at least would be dissatisfied at their not having received the fortunate distinction; a consideration which would induce him, if he should ever be made Governor General of India, an event of all others in the world the least likely to happen, to depute the dispensation of the patronage to any one, rather than exercise it himself; as, in proportion to its ex-

tent, and to the rigid justice with which it should be exercised, would be sure to be the number of the dissatisfied who were excluded from its benefits. By this fatal system of taxation in duties, bounties, drawbacks, prohibitions, and all their endless machinery of vexation, every interest was arrayed against all other interests. When the agriculturist clamoured for relief, the manufacturer insisted on its being first due to him, and next to the land-proprietor; while the ship-owner came in between, and declared himself entitled to the preference over both: and all this ended in neither being relieved. In addition to the conflicts between contending parties at home, the system excluded foreigners almost wholly from our markets, and gave such a degree of uncertainty to all our commercial speculations, that it was never safe to undertake a speculation extending over a very long period of time, lest, in the interval between its commencement and its close, some legislative changes should take place, which might entirely change the issue of the whole affair. What then, it would be asked, was his remedy for all this evil? He would state it, and state it frankly and without disguise. He remembered well that when the hon. member for Worcester (Mr. Robinson) moved for a Committee to consider the proposition of a Property-tax, as a substitute for a portion of the duties drawn from other sources, he was met by an observation, that he had no specific plan, and that it was not fair to complain of an evil without being ready to propose a remedy at the same time. For his own part, he (Mr. Buckingham) wholly dissented from this view. As well might it be said, that no patient should complain of suffering, unless he could at the same time suggest a cure; but surely that was the business of the physician. So, in our own case, it was our duty who suffered, to describe the symptoms—and, to use a common but expressive phrase, to "say where the shoe pinched." But it was the business of the Government to prescribe the remedy. The Ministers of the Crown were selected for their office on the ground of their superior fitness for their duties; they were handsomely paid for their labours; and it was their especial business to apply their whole time and attention to the correction of the abuses and evils of the State. But he would not shrink from offering the remedy, as well as complaining of the disease; and he contended, that this was to be found, in a just and equitable Property and Income-tax, graduated according to the respective fortunes of those on whom it should be imposed. He said a Property and Income-tax, for they were in reality inseparable; and although, when speaking of this subject in private, he had not conjured not to let the words "Income-tax" escape from his lips in Parliament, as it would terrify a large majority from even listening to him afterwards, he had always answered, that it was useless to disguise unpalatable truths in honeyed words, and that his only consideration ought to be, whether the principle of an Income-tax was sound, and whether the graduations of its scale were just. If so, he should avow it, though every Member in the House should vote against it; if not, no earthly consideration should induce him to bring it forward. He would now, then, say that, in his opinion, to tax the fixed or realized property of those who had been prudent enough to accumulate, and not to tax the incomes of those who spent what they earned as fast as they acquired it, would be to give a premium to extravagance, inflict a penalty on carefulness, and commit a grievous and intolerable wrong. He conceived it to be perfectly just that incomes derived from fixed and permanent sources should bear a heavier rate of impost than incomes derived from fluctuating or precarious sources; and this upon the ground of the certainty, which gave a higher value to the former—and the uncertainty, which diminished the full value of the latter; but further than that, he thought no exemption of either should be permitted, except, indeed, that a minimum might be fixed, below which all incomes, from whatever source derived, should be left free. It must be clear, however, that it should be income and not property, that should be the test of assessment; as the value of the property itself was entirely dependent on the income it produced. A thousand acres of granite mountain, or barren heath in Scotland, was surely not of the same value as a thousand acres of rich arable land in Oxfordshire: they were of the same extent of surface; but it was the income yielded by each that would alone form a fair test of assessment; and if the rates of such assessment were varied at long intervals, and graduated on a just and

equitable ascending scale, there could not, he thought, be any sound objection raised to its adoption. He held in his hand a tabular schedule, a copy of which he should be most happy to furnish to the noble Lord; and he had brought it with him in manuscript, chiefly to show that he had bestowed great attention to this subject before he ventured to propose it to the House, in which the lowest amount of income proposed to be taxed was 100*l.* a year, which he would propose to have assessed at 1*l.* per cent. On incomes derived from precarious sources, such as professions or trades; at one-third more, or 1*l.* 6*s.* 8*d.* per cent, if derived from annuities terminable only with life; and at one-third more, or 1*l.* 13*s.* 4*d.*, if derived from perpetuities, such as rents of freehold houses or land, interest of money in the funds, or other property, transferable to heirs or successors after death. Pursuing out this schedule, it would be found that the rates of assessment per cent went up, from 1*l.* per cent on incomes of 100*l.* a-year, by even hundreds and thousands, to 15*l.* per cent on incomes of 300,000*l.* a-year; and few persons he thought would deny, that, when the tradesman of 100*l.* a-year had 99*l.* remaining in his pocket after all his taxes were paid, and the nobleman of 300,000*l.* a-year, had 256,035*l.* left when all his taxes were paid, (and that would be the result of this scale) neither party would have reason to consider themselves aggrieved or oppressed by the operation. There were two main objections, and several minor ones, which were urged to an Income-tax; the first was, that it never would produce the amount of revenue required; and the next, that it was unjust in principle, and most strongly repudiated by those who had most experience of its operation when formerly enforced: besides which there were the lesser objections to its inquisitorialness, &c. He would advert to each of them in their order. First, then, as to the impossibility of raising the requisite amount of revenue from this tax. It must be clear, he thought, to all parties, that whatever amount of revenue was now raised from the people, by the duties on the various articles they used or consumed, could be paid by the same people, in a direct, as easily as in an indirect form, independently of the great saving in the cost of collection. The sugar and the coffee, the indigo and the tea, imported into England, did not bring with them the money to pay their own duties: the money existed in the country, and was paid by the importer in addition to the purchase-money for the articles themselves, in order to enable him to land and distribute his commodities. Surely, then, this same amount of money could be paid as easily in one sum at the end of the year, as a tax on the whole income of the person paying it, as well as in many fractional sums, on the articles in which he dealt, and from his profits, on the sale of which his income was derived. The power to pay would, in each case, be the same; and all that was wanted was, laws equitable enough to be calculated to present a strong motive for voluntary payment, as an act of justice for protection received—and powerful enough to be able to compel such payments, if not voluntarily made. The objection to the amount not being as easily raised by the one mode as by the other, was, therefore, perfectly groundless. He would quote, however, a passage from a very high authority, to show, that taxes on expenditure, from which the revenue was now raised, were far more unjust, and more objectionable than taxes on income, which it was proposed to substitute in their stead. The authority was, that of Mr. Benjamin Sayer, a gentleman well known to the financial world, who had for years been employed in the collection of the taxes—who was himself personally engaged in the management of the Income-tax of former years—who now held a distinguished place in the Tax-office—and who had recently published an admirable work, the result of all his long official experience, under the title of "An attempt to show the justice and expediency of substituting an Income or Property-tax for the existing taxes, &c." —of which it was impossible to speak too highly. [The hon. Member read a passage from page 6, of that work, describing taxes on expenditure and, consumption, as unequal, because the payment depended on the will of the consumers and the rich, as in the case of absentees escaped taxation. The hon. Member also quoted Sir Henry Parnell's work to show that if taxes on Expenditure are injurious and unjust, a tax upon Income is that which the concurring opinions of the most eminent men of all parties approve and commend.] The great advantage of such a tax, he continued, would be that no one interest

could complain of its increase or decrease affecting them with peculiar hardship, and leaving others to go free; and if it had but this one recommendation alone, it would be sufficient to recommend its adoption. [The hon. Member again quoted Mr. Sayer's work, page 107, to show the justice of a Property and Income-tax.] The greatest stress, however, the hon. Member continued, had been laid on the alleged injustice of a graduated Income-tax. Persons who were prepared to admit, that an Income-tax of an equal per centage on all incomes would be just in principle, though not reducible to practice, objected most stoutly to a graduated scale. The noble Lord opposite (Lord Althorp) had objected to it on the ground that it had a tendency to level all men's incomes down to some prescribed standard, and to give to the State the power of saying, that no man should enjoy more than a certain amount of income for his use. This was, certainly, a most extraordinary view of the case. If the plan proposed was, that all men who had more than 500*l.* a-year should give up all the surplus for the use of the State, then it might be said, that the effect of such a law would be to bring all fortunes above 500*l.* a-year down to that common level, though it would still cease to elevate those below it to the same standard. But, if, as by the plan at present proposed, a man of 100*l.* a-year, at one per cent, should pay 1*l.*; a man of 300,000*l.* a-year, at fifteen per cent, should pay 43,965*l.* (which would be the amount,) how could any number of years or centuries contribute to bring down the remaining 266,035*l.*, which the man of 300,000*l.* a-year, would have annually left untouched, when all his taxes were paid—to the 99*l.* per annum, which the man of 100*l.* a-year would have left when his taxes were discharged? The idea was altogether fallacious, and the more it should be examined, the more would persons of reflection wonder that it could ever have been entertained. The right hon. member for Tamworth objected to the graduated scale on another ground; namely, that it would take away from those subject to it, the desire for accumulation: which, he considered, to be quite as fallacious, though its error was certainly not so capable of demonstration as the former. The one was a matter of figures, the other a matter of opinion; but for himself, he (Mr. Buckingham) must say, that all his experience confirmed him in the opinion, that wherever a larger portion than the half of his gains was left to the acquirer to enjoy, the love of accumulation was scarcely at all abated; and that in a scale like this, where fifteen per cent was proposed to be the highest rate of assessment, and where more than five-sixths of every man's income, assessed even at that rate, would be left in his possession, it was quite a gratuitous assertion to anticipate the cessation of the love of accumulation. The last objection urged in that House against the graduated scale, was by the hon. member for Oldham, (Mr. Cobbett) who said it was neither more nor less than "confiscation," an expression which he had more than once repeated, but for which, he must say, there was not the shadow of a foundation; and against which, therefore, it would be really a waste of time to argue. Now, although the right hon. Baronet, (Sir Robert Peel) had said the other night, in reply to an observation of the hon. member for Bridport (Mr. Warburton), who had quoted the authority of the celebrated French mathematician Laplace, as having shown, in his "Theory of Probabilities," that a graduated Income-tax was the only just tax that could be imposed—though the right hon. Baronet had said, that with every disposition to defer to so high an authority, on a question of mathematics, he did not conceive him to be infallible on a question of Finance; yet, perhaps, the right hon. Baronet would attach some importance to the authority of one of the brightest ornament of the English Church, the reverend Dr. Paley. [The hon. Member quoted the opinion of that divine to show, that a tax should be levied by what men can spare,—to be found under the article "Taxation," ch. xi. book vi. of his "Principles of Moral and Political Philosophy."] Now, it unfortunately happened, the hon. Member again went on, that this principle of graduation was recognized and acted upon in our present system, but the scale was in an inverse ratio to the means of the parties to pay. It was capable of the strictest proof—that while the largest incomes of the country, say the few of 300,000*l.* per annum, did not contribute five per cent on their gross amount to the revenues of the State—the smallest incomes of the country, those below 100*l.*

per annum, contributed at the least twenty-five per cent in taxation: a proportion so contrary to all ideas of right and justice, as to need only to be stated, to obtain the deserved denunciation of all just or benevolent minds. He might afford abundant illustrations of this position from the duties on tea, sugar, coffee, bread, beer, &c., which were paid in almost as large a proportion by the poor as by the rich, man for man, and not income for income; as it was the quantity consumed by each individual that regulated the amount of the tax: and, he could show also, that the Government itself had made this principle of graduation a merit in their Irish Church Bill, and in the House and Window Tax: but, as he was anxious to adhere to his pledge, and not to waste a single moment of the time of the House or the country, but to confine himself within the narrowest limits of rendering his subject clear and intelligible—he would pass this by, and proceed to consider the last objection raised to the imposition of an Income-tax—namely, its inquisitorial nature. [The hon. Member again quoted Mr. Sayer's work to show that no inquisition could be worse than that which was practised under the present system.] He then proceeded:—In point of fact, however, the exact incomes of all who have their property in landed estates, in houses, or in the funds, as well as those who are employed in the public service, can be known with very little trouble or difficulty: and the honest and honourable tradesman need no more be afraid to state his actual income, within even hundreds, and at given periods, lest he should make too open a display of his circumstances—than he need be afraid to retrench or extend his expenditure for fear of being misrepresented by his neighbours. The fraudulent trader, and adventurer upon fictitious capital, would, no doubt, find it inconvenient: but if an Income-tax exposed their false position only, this would be a strong argument for its adoption. He would conclude, then, by saying, that an Income-tax, being substituted for every other, by the progressive removal of all existing imposts, and the ultimate absorption of every other tax in this single one, would be in perfect harmony with every one of the principles that he had laid down at the commencement of his address: and if these principles were sound, (and he invited their scrutiny or refutation) then must his plan be sound also—for these principles were the basis on which it was grounded—1. An Income-tax would take from the people the smallest amount consistent with the safety of the State.—2. It would be so simple and intelligible, that every child in the kingdom would understand it.—3. It would be more economical in its collection than any tax ever imposed.—4. It would be most favourable to consumption, as it would leave all commodities untaxed, and give an increased impetus to the demand for labour.—5. It would bear a strict relation to the means of payment, as by this alone would it be regulated.—6. It would be far more difficult to be evaded, with proper regulations, than taxes now are—as men cannot be smuggled like commodities; and by a proper organisation it might be made the interest of men to disclose rather than conceal the average amount of their income, after it had been realised, and actually come into their possession. On the expense of collection, he would make one short quotation from Mr. Sayer's work. All parties were aware of the great advantage to the Government of having the duties on tea collected in one large sum from the East-India Company, almost without cost to the Exchequer: and if an Income-tax were established, he could show that its collection might be effected in almost as cheap a manner: but he would not go into its detail at the present moment: he would give, however, the opinion of Mr. Sayer, who said, p. 75: 'It is estimated, that 'if the whole revenue had been raised by 'that tax from the commencement of the 'late war to the present time, the amount 'of saving in the expense of collection, 'or rather of taxation (as so much less 'taxation would have been necessary) 'might have accumulated by this time to 'nearly 100,000,000*l.*, equal to about 'one-fifth part of the debt created within 'that period.' That was a consideration of sufficient weight to cast the balance in favour of an Income-tax over every other. But there was another, of scarcely less importance, and that was, the saving of time, expense, uncertainty, and litigation, which it would occasion, and of which the present system was so fruitfully productive. Not a Session passed, but there were new Acts to repeal old ones; duties taken off from one thing, and laid on another; Acts

passed to amend Acts; others to explain the Acts thus amended; and such an interminable array of endless legislation, that no man, for three months together, could be sure of the law not being altered with respect to duties, imposts, and burthens of various kinds, imposed for the purpose of revenue. Let the House then, hear from Mr. Sayer the testimony which he gives, as to the simplicity of legislation for an Income-tax, as a contrast to its present proceedings. [The hon. Member again quoted from that gentleman's work at pages 57 and 52, to show that the legislation required for a Property-tax would be simple, and that many frauds were committed under the present system.] He then continued: He had now, he hoped, said enough to shew the principles on which he advocated the change proposed; and all that remained for him to do, was to add, to the high authorities he had already quoted, and to the names of Huskisson, Parnell, Paley, Laplace, and other able professors of science as well as of legislation, the authority of the noble Lord, the Chancellor of the Exchequer, (Lord Althorp) himself, who, in a speech delivered by him in the House of Commons, on the 25th of March 1830, on the occasion of Mr. Poulett Thomson's motion for a Select Committee to inquire into the expediency of making a revision of the existing system of taxation, was reported to express an opinion favourable to a Property-tax. [The hon. Member quoted a passage from *Hansard*, (new series) XXIII p. 908.] Here then he would conclude, by conjuring the House not to deny him that inquiry, which was all he asked. The lateness of the Session might be pleaded as an excuse for the refusal of other Committees—but a fortnight or a month at most, would conclude the labours of such a one as this, as but little evidence and few details would be required. All he asked was inquiry; so that if his positions were sound, they might be confirmed by the authority of the Committee; and if unsound, it would be to him and to the country a benefit, to be set right by their refutation. He would make another quotation, and it should be the last. It was in the language of the right hon. the Vice President of the Board of Trade, and the member for Manchester (Mr. Poulett Thomson), whom he was sorry not to have seen during any part of the evening in his place, and who, when moving for his Committee, on the occasion already referred to, concluded in these remarkable words. [The hon. Member again quoted *Hansard* (new series) XXIII p. 896.] The people of the country were at present under an impression that it was useless for any of their Representatives to propose to the House a tax upon Property or Income; as the class from which the Members were usually drawn being mostly persons of large property or incomes themselves, were unwilling to tax their own class for the benefit of their inferiors. For himself, indeed, he could not be in that class, because, he had been almost disposed to say, he had neither property nor income; but, without some portion of the latter, a man could not exist; he had, however, about as moderate an income as any man could well be content with; and beyond that, he had no property whatever; he was, perhaps, on that very account, the less open to the charge of advocating his own peculiar interest; for if he studied his own exemption only, he should have advocated a tax on fixed property alone; but though he himself had only an income derivable chiefly from the labour of his own hands, he should, nevertheless, advocate a tax upon income alone; distinguishing, as before observed, between those derived from permanent, and those from fluctuating sources; but taxing all in fair and just proportions. Let the House consider then, whether it would give countenance to the impression, that they were too selfish to admit of any system which should fix heavier burthens on themselves, and relieve the suffering poor. At the present moment, the feelings of the humbler classes were estranged from their superiors, because of this belief; but let the rich do them but common justice, and they would be only too happy to evince their gratitude. Every act of kindness done by them would have its full measure of reward; and every concession would be rated at far more than the standard of its real worth. He implored the House, therefore, not to disappoint their hopes; but to grant the Committee for which he asked, in the full assurance that no evil could by possibility ensue from its appointment, while great good might be its ultimate result. The hon. Member concluded by moving the following Resolution:—"That a Select Committee be ap-

pointed to consider the practicability of progressively reducing the National Debt, by its conversion into Terminable Annuities, at gradually diminishing rates of interest, so as to lessen its burthen every year; and to determine the best mode of assessing the property and income of the kingdom, to meet the expense of such conversion; and to form, at the same time, a surplus revenue fund, which shall enable the Parliament progressively to repeal those imposts which bear most heavily on the Agricultural, Manufacturing, and Shipping interests of the country."

Lord *Althorp* said, that he felt himself called upon to make a few observations in consequence of the Motion which had just been made, and, first of all, he could not help remarking that the hon. Member himself had given a good reason why the discussion could not then take place advantageously—namely, the late period of the session. With respect to the hon. Member's Motion, as it involved principles of great importance, though dependent upon plain statements, he thought it was better fitted to be disposed of by the House than in a Select Committee. He certainly agreed in a great part of the remarks of the hon. Member with respect to the propriety of lightening, as much as possible, the burthens which press peculiarly upon the industrious classes, and the commercial interest. He concurred, too, with what the hon. Member had said about the propriety of diminishing the National Debt by converting interminable into terminable annuities, and a Bill had just been passed to enable the Government to do that with the surplus revenue. When he looked at the amazing amount of the Debt, and at the various schemes which had been devised for effecting the object in view, and when he remembered how impossible it was to prevent the appropriation of the funds reserved for the diminution of the debt to the immediate purposes of Government, he felt convinced that it was quite useless to attempt to make any application of the principle of compound interest to effect the object which, he agreed with the hon. Member, was extremely desirable. As soon as the reserved funds had accumulated to anything considerable, experience had taught them that they were invariably diverted to different purposes from those for which they were originally intended. It was now generally admitted that the plan of paying off the debt by the Government's paying interest to itself was not calculated to do any good; and to impose taxes in order to enable Government to do so, led to measures which were oppressive to the industrious classes, and were productive of no advantage whatever to the nation. He had, therefore always, been opposed to the principle of the Sinking Fund. It would be long before they could clear off a debt of 800,000,000*l.* by laying by 5,000,000*l.* a-year; and he was of opinion that they would promote the interest of the country much more effectually by taking off the burthens which weighed so heavily on all classes, the consequence of which would undoubtedly be to increase the wealth of the country and its power of bearing its remaining burthens. The effect of the hon. Member's plan would be to increase these burthens by 18,000,000*l.*

Mr. *Buckingham* explained, that the adoption of his plan would create an additional charge of 5,000,000*l.* in the first year only; and then gradually diminish every succeeding year, a charge which would be very soon redeemed by the diminished expense of collection.

Lord *Althorp* continued. Perhaps he misunderstood the hon. Member; but he (Lord Althorp) objected to increase the burthens of the country even by 5,000,000*l.* a-year. He agreed, that it was exceedingly desirable to convert perpetuities into terminable annuities; but he did not think that it ought to be done by increasing the burthens which pressed so heavily on the people. The hon. Member thought of raising 40,000,000*l.* by a Property-tax; but if he referred back to the time when a Property-tax was in existence, he would find that its amount had never exceeded 14,000,000*l.* With respect to the question of a graduated Property-tax (although he did not impute the advocacy of that to the hon. Member), he agreed with the hon. member for Oldham, that it was something like confiscation. It was fair debatable ground, whether some portion of the taxes of this country might not be commuted for an Income-tax, but he should be very sorry to see Parliament sanction the principle of a graduated Property-tax. Seeing, however, the manner in which direct taxes were complained of, he thought it would be unwise to rely upon an Income-tax for a large amount of revenue. He did not think it necessary to enter further into the question, which

he supposed the hon. Member had brought forward, rather with the intention of explaining his own views to the House, than in the hope that it would lead to any practical result.

Mr. *Cobbett* said, it was his intention to detain the House for a few moments, in order to make some observations on two points, with respect to which his opinions had been alluded to. The hon. Gentleman (Mr. Buckingham) had spoken of his observations about the obligation of posterity to pay for debts contracted by their fathers. As a child in the cradle could not be considered bound to pay the debts contracted by a father who left him nothing, so he (Mr. Cobbett) did not consider the industrious classes bound to pay debts contracted before their time, and by usurping Parliaments—Parliaments which had, in fact, no right to sit in that House. He held that they were not bound in conscience or in honour, to pay such debts so contracted. As to the other point on which he had to make some remarks—the effects of a graduated Property-tax—he was still of the same opinion. He thought, that the man who had a thousand acres of land ought to pay a thousand times as much as the man who had only one acre; but when that was once done, he thought it enough. He considered a graduated Property-tax to be a levelling measure; and its operation in thirty or forty years would be to bring down all classes nearly to the same level. Those who had had an opportunity of seeing a community in which this species of equality of property existed, would allow, that there was no reason to believe that the working-classes were better off than in other countries. The introduction of such a tax would bring on a state of society in which a house would never be built, nor a tree planted nor preserved. His understanding of a graduated Property-tax was, that every man should pay in proportion to his income, which was very far from being the case at present. He thought that the industrious classes ought to be exempt from burthens—certainly not, that they should pay more in proportion than the higher ranks. That was very much the case at present. If a man, for instance, who had raked together 51*l.* and put it into the Savings' Bank, his heirs would have to pay legacy and probate duty; and if it was his widow, she would have to pay a duty upon administering. In the case of a man who died in the possession of 1,000 acres of land, or even an estate worth a million of money, his widow would not have to pay a farthing. The burthens on the poor man were, in many instances, ten fold, twenty fold, fifty fold, greater than upon the rich man.

Mr. *Harvey* said, that the moment the hon. member for Oldham had expressed his opinion that a graduated Property-tax was confiscation, the noble Chancellor of the Exchequer seized upon it, and had ever since put it forward in reply to any arguments which were used for imposing a tax upon property. To have recourse to that argument on the present occasion was not fair; but he had too often seen on the part of official Gentlemen, a disposition to steer clear of the point before the House, and, if possible, to cast incidentally some groundless imputation on their opponents. Hence, if any one spoke of reducing the Church Establishment, he was accused of wishing for spoliation; and if he hinted at a reform of the financial system, he was directly taunted with aiming at the confiscation of property. Nevertheless, he was not disposed to retreat from the opinion which he had expressed in favour of a graduated Property-tax. What was a graduated Property-tax? A system which would compel persons to contribute to the burthens of the State in a degree correspondent with their means—nothing more. He could not conceive how it was, that persons so glibly subsided into the opinion, that a tax of this description was confiscation. He would suppose that a graduated Property-tax were imposed upon this scale—a man with 100*l.* a-year would pay 1*l.*; a man with 1,000*l.*, 100*l.*; a man with 10,000*l.*, 1,000*l.*; and another with 50,000*l.*, 10,000*l.* Now, all these persons would still retain as much of their property as remained after the tax was deducted; for instance, the man with 100*l.* a-year would retain 99*l.*, and the man with 50,000*l.* per annum would keep 40,000*l.*; and yet any one who heard the statements of the noble Lord and the hon. member for Oldham, would suppose, that if a graduated Property-tax were established, all the property in the country would at once be thrown into the crucible of spoliation. Some persons had represented, that the Reformers were desirous of applying the sponge to the national debt, and wiping it

out at once. He repudiated any such intention on the part of the honest Radicals. The public creditor was entitled to every shilling of his debt; and whence was he to get it? From the property of the country. It was idle to talk of the instability of the public debt: at the present moment, there was no description of property so well secured. The amount paid for the interest of the debt was 28,000,000*l.* This was not a frightful charge, when one considered the security upon which it rested. The actual rental of houses and land in the country, to say nothing of intermediate kinds of property, amounted to between 40,000,000*l.* and 50,000,000*l.* a-year. This being the case, the fundholder need never fear. The moment any one should talk of a composition to the public creditor, he would have a right to say: "Show me that your assets do not amount to 28,000,000*l.* a-year, and then I will listen to you. I stand in the situation of a mortgagee. You borrowed 800,000,000*l.* of me to gratify your freak of defending the glorious Constitution in Church and State; at that time your cry was 'perish all property, so that we can preserve the Church and Constitution;' I congratulate you now on the possession of both; to be sure, you have made a costly purchase; but you know it is of measureless value; and if you cannot now pay your debt, do as other mortgagors do—walk out, and give me possession." It was not the Radicals, but the great landed proprietors, who liked to hear people talking of the "sponge;" in the same way that the landlords in Ireland, and in England too, stirred up the people against tithes that they might derive benefit from the abolition of tithes, at the same time that they were not honest enough themselves to declare against that burthen. The rich landed proprietors would be delighted if they could sweep away the debt to-morrow, but he hoped that the Radicals of England would keep them to their engagement with the public creditor. The charge for the debt was a *bonâ fide* one on the property of the kingdom, and, as long as that endured, the public creditor had a right to payment out of it. Every day the newspapers furnished accounts of shiploads of industrious persons escaping from the horrors of poverty in their own country, and flying to distant lands, where they had reason to expect that they could, by their labour, earn a subsistence. Let the Lords and landowners, if they pretend that they cannot pay the public creditor, emigrate also, and leave their domains, abbeys, and castles, for the Jews and mortgagees to take possession of. He, for one, protested against the ungenerous imputation which was thrown upon the Radicals, that they wished to get rid of the debt. As long as there was a single shilling's worth of property in the country, the fundholder was entitled to it. That was genuine loyalty. He was anxious for a Committee of Inquiry because he was anxious to enlighten the darkness of the community on the neglect of taxation, and because he was convinced, that it would soon be found necessary to change the present system of taxation for one less unjust to the poorer classes of the community.

Mr. *Hume* was of opinion, that those who had incurred the debt ought to pay the charge arising from it, and that it ought not to be paid by those who had no hand in contracting it, many of whom were unborn at the time of its being contracted. The principal load of the debt ought to be borne by that property the owners of which were mainly instrumental in contracting it. He agreed with the hon. member for Oldham, that the labouring classes ought not to be burthened beyond their due proportion; but that the load should be borne in a greater degree by the landed property, for the protection of which the debt was contracted, although that property was now, comparatively speaking, exempted from taxation. From 39,000,000*l.* to 40,000,000*l.*, out of the 50,000,000*l.*, were raised from the industry of the country, and paid by men who earned their bread by the sweat of their brow, while the remaining 10,000,000*l.* only were paid by the higher classes. The poor man, who earned only 2*s.* or 3*s.* a-day, was taxed at the rate of fifty per cent, while the rich man with 10,000*l.* paid only fifteen or twenty per cent. That was the great grievance; and if, as was admitted, it had become absolutely necessary to relieve the industry of the country, it must be done by such an entire change in the system of taxation as would relieve the poor man from its pressure, and leave the moveable capital of the country, by which employment is furnished, unburthened. They would thus put an end to that emigration which was daily draining the country of its industry and of its best

blood. He was strongly opposed to the principle of perpetuities; and if the debt had been contracted, for an annuity to continue even 100 years, there would at least have been a prospect of its gradual extinction. It was well known, that money might have been obtained on annuities terminable at the end of long periods at a rate of interest very little higher than was required for perpetual annuities. If they wished to secure the prosperity of England, they must adopt some measure of terminable annuities.

Colonel *Evans* said, a great outcry was raised against a graduated Property-tax, as a measure of spoliation, because the proportion was to vary; but there was a species of tax in which a graduated scale was adopted, and which hon. Members did not appear to look upon as a measure of spoliation, he supposed, because it was graduated inversely as the property of the payers, and operated, consequently, in favour of the rich. He spoke of the Window-tax, with respect to which he had heard no cry of spoliation raised. The question of the continuance of that tax was one of great importance in London and Westminster; and since a graduated scale was considered so heinous, he hoped that consideration would operate with hon. Members in the case of the Assessed-taxes.

Mr. *Maxwell* expressed his hope, that the noble Lord at the head of the Exchequer would review the opinion which he entertained of the superior eligibility of direct as compared with indirect taxation. Although he was favourable to the principle of the proposition of the hon. member for Sheffield, he could not vote for it, because he thought it was much too late in the Session to entertain such a question; but he trusted that it would be brought forward again early in the next Session; and that in the meanwhile his Majesty's Ministers would consider the subject with all the attention which its importance demanded.

Mr. *Tower* would strongly recommend a Property-tax, were it not that the agricultural interest was in such a condition as to be utterly unable to bear such an impost. There was reason to fear that it would soon be in such a state that no rents would be paid at all. He must complain of the unequal treatment of agricultural and funded property since the peace; the former had been subjected to heavy burthens from which the latter was wholly free. He objected to the proposition of the hon. member for Sheffield for imposing a Property-tax, but he should like to see some plan adopted for reducing the national debt by terminable annuities.

Major *Beauclerk* was convinced, that the burthens of the country could be effectually lightened only by an extensive and real reduction of taxation. If the House of Commons did not speedily compel such a reduction, instead of receiving the gratitude, they would incur the contempt, of the country. Every honest man in the House—every well-wisher to the public good—ought to exert himself at once to relieve the people from direct taxation; and he hoped the result of the Motion of the hon. member for Middlesex, for the Repeal of the House and Window-tax, would redeem the character of Parliament. They had now been sitting for five months; and the hon. Gentlemen who had been so lavish in their promises on the hustings, had done nothing to carry those promises into effect. He trusted, however, that, late as it was, Members would see the necessity of doing their duty.

The House divided—Ayes 38; Noes 57: Majority 19.

List of the AYES.

Aglionby, H. A.	Maxwell, Sir J.
Beauclerk, A. W.	O'Connor, F.
Butler, Colonel	O'Connell, D.
Chichester, J. P. B.	O'Dwyer, A. C.
Copeland, Alderman	Oswald, R.
Cobbett, W.	Pease, J.
Cornish, J.	Philips, M.
Davies, Colonel	Roche, W.
Evans, Colonel	Roe, J.
Fenton, J.	Roebuck, J. A.
Fitzsimon, C.	Richards, J.
Fryer, R.	Romilly, J.
Fielden, J.	Torrens, Colonel
Gully, J.	Williams, Colonel
Guest, J. J.	Wood, Alderman
Hume, J.	Wilks, J.
Hughes, H.	Young, G. F.
Humphery, J.	
Jervis, J.	TELLERS.
Lloyd, J. H.	Buckingham, J. S.
Maxwell, J.	Harvey, D. W.

List of the NOES.

Anson, Hon. G.	Buller, E.
Barron, H. W.	Chapman, A.
Barnard, G.	Crawley, S.
Baring, F.	Clements, Lord
Baldwin, Dr.	Clayton, Colonel
Bolling, W.	Dillwyn, L. W.
Bouverie, Captain.	Ewart, W.
Brodie, W. B.	Faithfull G.

Fergusson, R. C.	Rider, T.
Fitzsimon, N.	Sanford, E. A.
Gladstone, T.	Shawe, R. N.
Graham, Sir J.	Stanley, E. G.
Gronow, Captain	Stanley, E.
Goring, H. D.	Talbot, J.
James, W.	Tancred, H. W.
Johnstone, A.	Tracy, C. H.
Kerry, Lord	Trelawny, W. L. S.
Lamont, Captain	Tower, C.
Lambert, J. G.	Turner, W.
Leech, J.	Vyvyan, Sir R.
Littleton, E. J.	Walker, R.
Martin, T. B.	Walter, J.
Marjoribanks, C.	Wedgwood, J.
Mildmay, P. St. John	Whalley, Sir S.
Ord, W. H.	Wigney, J. N.
Pendarves, E. W.	Wood, G.
Plumptre, J. P.	TELLERS.
Potter, R.	Baring, F.
Price, Sir R.	Kennedy, T. F.

ABOLITION OF TITHES (IRELAND).] Mr. *Barron* rose to submit to the House certain Resolutions respecting Tithes in Ireland His Majesty's Government had brought forward measures for the coercion of the people of Ireland, but none for their relief. A bill for the latter purpose had indeed been introduced; but it had not been carried into effect. The evils which were caused by tithes in Ireland, were not evils of the present day; they were evils which had existed for upwards of three hundred years. The tithe system had been pronounced in a Report of a Committee of that House, to have been the cause, for a long series of years, of confusion and bloodshed. He wished the House to confirm that by a declaration? The next point was, would the House continue a system which had been so characterised? Another Committee had declared, that such a change alone could be satisfactory as would involve the utter extinction of tithes in Ireland, and the substitution of such a tax on the land as might be necessary for the support of the Protestant clergy. He was convinced that the only mode of allaying the great excitement and irritation which existed in Ireland, would be, to put an end to tithes entirely. The people of Ireland would not be satisfied with any temporising measure; they would never be content until the whole system was got rid of. It was by no means his wish to propose any measure that was not perfectly practicable. The hon. Gentleman referred to the evidence of the reverend Mr. Montgomery, and of other Gentlemen, in the Reports of Committees of that House, to show, that not only the Catholics, but the Protestants of Ireland, were opposed to the system of tithes. The proposition which his second Resolution involved, respecting a tax on land for the support of the Protestant Establishment in Ireland, was countenanced by the Protestant clergy of that country; in proof of which he could refer to the petitions which had been presented from the clergy of the Dioceses of Ossory, Dublin, and Ferns. This showed he was not proposing any thing likely to be offensive to the Protestant clergy in Ireland. Indeed, he was most anxious to act in a spirit of conciliation; and, if possible, in a manner consonant to the wishes and feelings of the Protestant Establishment. But, above all, he was anxious to do justice. His principal object was, that the Protestants and Catholics in Ireland might henceforward live in good fellowship and neighbourhood, as Christians ought to live, and not in rancorous enmity, which was at present but too frequently the case. This, however, could not be accomplished by half and half measures. It could not be accomplished by proposing one thing to-day, and giving it up to-morrow. Such weakness would only expose the Legislature to contempt and derision. With respect to the principle of his plan, it had always appeared to him that the existing incumbents ought to continue to receive the amount of their present incomes. That was due to them, on every principle of public policy and of private feeling. He was by no means, however, prepared to say, that such property ought to be irrevocable, and that it ought to go to any successors of the present incumbents. Many of the Protestant clergy in Ireland had little or nothing to do in return for their incomes. Now, it was contrary to all the principles of justice and good government, that a portion of the public property should be given to men who did nothing for the public. Those who had opposed the rotten boroughs and nominations of our political Constitution, ought to be equally opposed to the rotten boroughs and nominations of our Ecclesiastical Constitution. He called, therefore, upon those who had so fiercely and so successfully fought the battle of Parliamentary Reform, to support his Motion; and on the same principles upon which they had purified the representation of the people, to purify the Constitution of the Church. He called

upon them to assist him in converting to useful purposes the property with which the members of the Church Establishment had originally been invested, as trustees for the benefit of the people at large. He did not wish to cut down the reward of the working clergyman; far from it; his object was, to adjust remuneration to service, and not, as at present, by paying a clergyman who had done nothing, because, among other reasons, he had no flock. English Members could hardly be aware of the number of parishes in Ireland in which all that was known of the Established Church was through the rigorous exactions of the tithe-proctor. They, perhaps, would be surprised when he told them that there were not less than 649 parishes in Ireland in which there was no Protestant Church—no resident Protestant clergyman—in which, though the Protestant rites had never been performed, the tithes were rigidly exacted. This was out of a total of 2,400 parishes, leaving thus nearly one-third without any resident rector; and beside this, there were a vast number of parishes where the parties who took the tithes, far from residing, were never even seen by their parishioners. In Mocullagh, a parish in the county of Kilkenny, joined, although ten miles distant, with that in which he resided, there was not a single Protestant; the rector had never been in the parish; and yet, within the last ten days, writs had been served there for 3*l.* 10*s.* The rector of this parish, for he liked to give names with facts, was Mr. Alcock, and he was one of those persons who had last year written piteous letters to the right hon. Gentleman (Mr. Stanley); and his case was one of those pressed into the Report to excite the compassion of the people of England. This unhappy victim complained that these people of Mocullagh would most unaccountably pay him no tithes, whereas he (Mr. Barron) contended, that it was contrary to common sense, and to common justice, that they should be called on to pay him any thing. This he would put to any Englishman, and he had no doubt of the reply he should receive. In Scotland, religion cost one shilling and nine-pence per head; in Ireland, 1*l.* 13*s.* 4*d.* to every Protestant. He did not object to a full allowance being made where there was in truth and reality a Church and Church-going people—where, in short, work was done. In that case he should always be ready to uphold the Establishment in respectability and comfort. But what he maintained was, that the State had a right to interfere with the property of the Church, that it had often done so, and that it was incumbent on the State to do so now, in order that the revenues might be so regulated as really to be applicable to the purposes of religion and of sound and useful education. In conclusion, he would assert, that the House, by agreeing to his Resolutions, would do great good, inasmuch as they would show a sympathy with the people of Ireland; and, after 300 years of misrule, take a positive step towards reconciling them to the Government and institutions of this country. The hon. Member concluded by moving the following Resolutions:—"That the tithe system in Ireland has been the fruitful source of misery and crime, and should be totally extinguished.—That a Land-tax ought to be substituted for the support of the Protestant Establishment and such other purposes of general utility as the Legislature may deem necessary."

Mr. *Littleton* did not think it necessary to enter into any lengthened reply to the observations of the hon. Gentleman; for although he would be the last person to object to any hon. Member bringing forward any measure for the removal of Irish grievances, yet he could not but express his opinion, that the present was a most inconvenient opportunity for the introduction of these Resolutions. He would beg to ask whether any one subject had occupied so much of the time of the House as this very one of Irish tithes? He thought not; for not only had it been discussed on the Coercion Bill most fully, but the other day upon the Church Temporalities Bill, when his noble friend, (Lord Althorp) had given every opportunity to hon. Members to make any proposition they thought proper, as well as given notice subsequently of a resolution relative to the application of the tithe bill to lay impropriations. There did, therefore, appear no necessity for the present motion at this period of the Session. Far was he, however, from asserting, that upon some future occasion it might not be for the benefit of the empire at large that other measures should be introduced; but he must also say, that in the next year we should be in a better situation to come to a calm judgment upon

this topic, as by November next the occupying tenants would be relieved from all contact with the tithe-owners, and all future leases would exempt them immediately from the payment of tithes. Another reason for delay with respect to any more permanent arrangement was, that the Bill of his noble friend would leave the country in a state of greater tranquillity than heretofore, as, up to May next year, there would be no demand for any species of tithe made. The hon. Gentleman had indulged in many observations, with regard to clergymen claiming tithes where they had performed no duty, but those ought to have been made the other day upon the discussion of the suspension clause. Undoubtedly he was the last man who would defend the propriety of upholding an Establishment and its expenses in parishes where clergymen had no congregations, as this would in itself be one of the first grounds to be seized by its enemies for making an attack on the whole Church. But the present was not the proper occasion for discussing that question. With respect to the question of tithes, he wished to say a few words. He earnestly trusted, that the Irish gentlemen would not be indisposed to make some sacrifice on this subject; for it was only by the instrumentality of their aid that the British Parliament could effect a satisfactory arrangement of the question. If they were determined to oppose every measure, whatever its nature might be, he would not say, that in such a case he despaired of seeing any satisfactory arrangement come to, but he believed it could not be attained without much confusion, and, he feared, the spilling of blood. But, whatever form the property of tithe might assume—and he admitted that it was a fair question whether it should remain as tithe — that property must as such be maintained; for no individuals had a right to that which belonged to the Church; or, if not to the Church, belonged, as all men must admit, to the State. That property was not the property of individuals, and the law which protected it must be asserted and maintained. The right hon. Gentleman concluded by moving the previous question.

Mr. *Fergus O'Connor* observed, that they were told that the law must be enforced with respect to tithes as with respect to other property. There was one difference, however, which the right hon. Gentleman did not seem to have adverted to. It was this—that the law created the property in tithes, while it only protected property of another description. It could not be denied, that tithes had been a great source of discontent in Ireland, and the people would not be satisfied till the Ministry did something really to put an end to them. It was said, that the Members who opposed the ministerial measure, did so from a feeling of self-interest. He was ready to admit, that some had an interest in this question, but he denied, that that interest affected their general conduct on this question. As for himself, he should be ready to give his assistance to the Ministers in imposing a Land-tax that would utterly get rid of the present system of collecting tithes, and altogether abolish them, for they could not be persevered in without confusion and bloodshed. When this was done, and not till then, the Protestant pre-eminence in Ireland might be maintained at a less price than at present.

Mr. *O'Ferrall* hoped, that it would be remembered, that the Secretary for Ireland was opposed to keeping up an establishment where clergymen had no congregations, though he doubted the propriety of making such a declaration unless the colleagues of the right hon. Gentleman were prepared to act upon it. The people of Ireland had already suffered very much by the Government making them believe that it would abolish tithes, when in fact Ministers had no such intention. When the question was first introduced, if his Majesty's Government had met it fairly and openly, and had said at once: "Tithes must be paid; we can give you no relief; and we will perpetuate the old system," the people would not have been deceived. They would have known what they were about; instead of which, they had one day one thing, and another, directly the reverse. One day a bill was proposed, which contained provisions that met with the approbation and support of a great majority of the members for Ireland, and the next day, the only valuable principle of the Bill was given up. When the Ministers laboured under any little embarrassment, and wished to increase their popularity, they expressed an opinion which could not fail to have that effect; but when the emergency had passed away, it was found no longer

convenient to act upon the opinion; and those who expected they would, were led astray. On the first Resolution there could be no difference of opinion, and his Majesty's Government could not oppose it, because the very terms of the Report were the same as the Resolution. With regard to the second Resolution, that a Land-tax ought to be substituted for payment of the present incumbents, and for the support of the Protestant Establishment, and for such other purposes of general utility as the Legislature may deem necessary, the Bill introduced last year was to effect a similar object. It declared, that by a compulsory commutation a Land-tax should be substituted for the former system of taking tithes in kind. It was, perhaps, necessary to inform some hon. Members, that during the last year there were two Bills passed on this subject. The first was to levy a tax to compensate his Majesty's Government for an advance of 60,000*l.* for the relief of the clergy of Ireland; and the noble Lord at the head of his Majesty's Government fully admitted, a short time since, that that Bill had signally failed. When that measure was in progress, many hon. Members—of whom he was one—stated to his Majesty's Government, that it would not succeed—that the expense would be twice the sum to be levied—that it would throw the whole country into confusion—and that the tithe-system, so far from being settled at the end of twelve months, would be in the same state as when they began to legislate upon the subject. For that they were described as factious, and English Members complained, that they were unnecessarily taking up the time of the House. A second Bill was introduced, to carry into effect the Bill for the Composition of Tithes in Ireland. When that Bill was introduced, it was left to the option of the different parishes in Ireland whether they would adopt it or not; several of them did adopt it; some of them did not; and the object of the Bill was to compel every parish in Ireland to come into the composition. By the first Bill the parish had the power of appointing one Commissioner, the clergyman had the right to nominate the other. By the late compulsory Act, if, within three months, the parishes came forward and appointed their Commissioner, they might have the option of selecting the person who should act on their behalf; but if they did not do so within the three months, then the Government was authorized to appoint the Commissioner. Now, this period of three months commenced about the 16th of August, during a time of the greatest excitement that Ireland had ever known; it was just previous to the election. The consequence was, that during that time no Commissioners were appointed on behalf of the parishes; and, therefore, that part of the Bill not having been complied with, his Majesty's Government came forward and appointed the Commissioners themselves. He had two petitions in which the petitioners complained bitterly of the ignorance and injustice of these officers. Under the old law the tithe-proprietor might levy his tithes for a given time, through the farmer, who paid a stipulated sum to the tithe-owner, and, of course, sought to make a profit for himself. Under the new Bill, the tithe-proprietor had a right to levy on the parish, not only what he received from the tithe-farmer, but also the profits made by the latter. He had a right, of course, not only to what he actually received, but to all the sums stipulated to be paid. It was very well known, that in many parishes, the peasantry, rather than have the cause tried, would pass a note for a larger sum than they could pay. Under this Bill, in future, all the sums these persons had promised to pay were to be levied by the tithe-proprietor. That was giving the proprietor a property he never had before. Under the former law the tithe was a tax on the produce; by this Bill it was made a tax on the land; so whether the land be tilled or not, the landowner would be obliged to pay the tithe. It was the first charge made on the estate of every owner of land in Ireland, and the situation of the tithe-owner was better than that of any other claimant. In fact, the security of the owner of tithe-property is just double what it was before. To carry the proposition for the Land-tax into effect, and to make it satisfactory, it must be made on just and sound principles. All he asked was, that the defects of the Bill of last year should be remedied during the present Session; that the appointment of the Commissioners should not be compulsory, and that those provisions which might give rise to future discontent and ill-treatment should be abandoned. If that measure were not amended, by allowing the commutation to depend on the will of all parties concerned,

a ground-work would be established for greater evils and more disturbances in Ireland, than any that had hitherto existed. They stated that to the House last year; they were not believed; they now stated it again; and if their remonstrances be disregarded, the consequences must rest with the Ministers. His Majesty's Government could not be expected to bring forward the settlement of the question this Session; but they could either suspend the Bill of last year or amend it. By the Resolution of the other night, it was agreed, that money should be advanced for the settlement of the tithes of 1831, 1832, and 1833. The tithes of 1834 would not be due until the 1st of November next. And, therefore, if a Bill on this subject were passed previous to Easter, there would be plenty of time for the settlement of the question; but if his Majesty's Government continued to send captains of the navy to value land, one at one price, and another at another, he did not know how they would succeed in overcoming a spirit of discontent which their measures must generate in Ireland, and under which he should think it scarcely possible for any Government to exist.

Mr. Secretary *Stanley* could not object to the principle of the first Resolution, because he believed it was copied from the Report of the Tithe Committee, to which he himself had agreed; neither could he deny that tithes had been the fruitful parent of misery and ill-will in Ireland; but the question was, whether the evils which had arisen from this source, were not now about to be got rid of by the measure which the Government had introduced. In fact the hon. member for Kildare had already stated, that last year a Bill was introduced which would have the effect of converting tithes into a tax upon land, and, therefore, of putting an end to the misery. But, before entering on that question, he must say a word or two on the often misrepresented expression of "extinction of tithes." Having done so now, he should consider it as done once for all, and never would enter on the question again. He begged the attention of the House to the occasion on which that expression was used, and the circumstances attending the use of it. The hon. member for Wicklow, who had introduced the debate on that occasion, had said, that 'The system of tithes was unjust in principle, and tyrannical in operation; and 'that it made a difference between the 'rich and the poor, because the rich man, 'by turning his arable land into pasture, 'might evade the tax, which it was 'impossible for the poor man to do, who 'was compelled to live on the produce of 'his potatoe ground.' Why, it should be recollected in the first place, that that was the system created by the Irish Parliament, so often the subject of the praise of the hon. member for the city of Waterford—for it was they that made agistment the exception to liability to tithes, and thus created the invidious distinction between the poor and the rich.

Mr. *Barron* had not eulogised the system, he had only given it as an instance of the interference of the State with tithe property.

Mr. Secretary *Stanley:* That might be so; but still it was true, that this sort of interference, so favourable to the rich and unjust to the poor, was the work of the Irish Parliament. In answer to the observations thus made on the evils of the system of tithes, and in answer to a question from Mr. Croker, he (Mr. Stanley) had said, that the object the Government had in view was, "the extinction of the present system of tithes." The Report of the Committee, too, said, that tithes were to be exchanged for a commutation on land, or for a charge on land. It was quite impossible that the public should have been misled by such an expression, uttered under such circumstances. The promise he then held out had been strictly fulfilled by the introduction of a measure which had got rid of the objectionable parts of the former tithe-system, and had virtually converted tithe into what the hon. member for Waterford wished to see substituted in its place—a system of Land-tax. Tithe had been converted into a charge on land—and in what respect did it differ from a Land-tax? He admitted, that the present system of tithes had been the parent of much misery in Ireland; but in what manner? It was in their mode of assessment, in the various modes in which they were collected, and in all the practical details connected with their collection; and all of these objections would be done away by their conversion into what was virtually and really a Land-tax. The difference between the present system and any other must be in the persons by whom the tithes were collected,

or the persons by whom they were paid. He much suspected that the objections to the Ministerial measure proceeded from those by whom the tithes must be paid. The burthen would now be taken from the shoulders of the poor and put upon those of the rich—upon those who in the Irish Parliament had had sufficient influence to get passed such a system as that which he had read and described in the sentence taken from the speech of the hon. Member, whose sentiments he had quoted. All would now pay according to the value of the land of which they were the occupiers. All the small charges that were so oppressive in their operation would be got rid of—the tithes themselves would no longer be a direct tax upon industry—they would be paid, not by the tenant, but by the landlord. And if the tenant suffered from a heavier burthen than at present, he would know to whom to impute the evil; and that to the landlord, and not to the clergyman, he must look for relief [An *Hon. Member:* That is unjust towards the landlords]. Unjust towards the landlords! Would the hon. Member tell the House what he meant by the expression, whether he meant by relief from tithes to get a pecuniary benefit to the landlords? He believed that they might think—intend—wish—that it should be so; but were there any hon. Members who would get up in that House and declare that such were their sentiments? Why was the altered system unjust towards the landlord? The hon. Member said, that "the land was his." So it was; but he had bought it and paid for it either subject to tithe or free from tithe. If subject to tithe, he had paid less for it than he would have been obliged to pay if it had been free from tithe. If the clergyman was to be deprived of his tithe, the landlord, then, was not the person who ought to benefit by it; and it was no injustice to make the tithe directly payable by the landlord, which he before paid indirectly, and the amount of which he extorted from his suffering tenant, whom he described as oppressed by the exactions of a greedy and grasping clergy. He contended, that no pains had been spared on the part of his Majesty's Government to carry into effect the Tithe Composition Act of last Session; and he might also add, that no pains had been spared on the other side to prevent it from producing any beneficial result to the deluded people of Ireland. He thought that the Resolution of to-night was rendered totally unnecessary by the alteration which it was proposed to make in the measure introduced during the present Session by his Majesty's Ministers. He would not enter at all at present into the last part of the hon. Gentleman's Resolution, and for this reason, that the discussion on it, though repeatedly taken during the interminable debates on the subject of Irish tithes, had better be reserved to a more fitting opportunity. He contended, that the House ought not to divert the property of the Church of Ireland away from that Church until they saw that the purposes of the Church were fully answered. The object of the Irish Church Reform Bill was to produce a better and more equitable division of the revenues of that Church among the Ministers of it. The distribution of the surplus, if surplus there should be, was still left open for the consideration of Parliament. Upon that subject he had his own opinions; what those opinions were, he would not state at present, all he would say was, that the subject was still an open subject. He cordially agreed with his right hon. friend the Secretary for Ireland in saying that he should vote for the previous question, because he thought that in continuing the present discussion, they were raising not merely an irrelevant and useless debate, but also one that was absolutely mischievous and injurious to the tranquillity and all the best interests of Ireland.

Mr. *O'Connell* said, that he saw in the speech of the right hon. Gentleman who had just sat down the same unrelenting disposition towards Ireland, the same inflexible determination not to concede any thing to his unfortunate country, which had always hitherto distinguished the right hon. Gentleman. He hoped, that in consequence of that speech, the Government would, in future, exclude the right hon. Gentleman from all interference in the affairs of Ireland. Ireland was not a colony or a province—it was an integral part of the empire; and he therefore, trusted that the right hon. Secretary for Ireland would take his department into his own immediate keeping, and would not give it up to the management of the right hon. Secretary for the colonies. He could not help admiring the wonderful special pleading of the Colonial Secretary. The Colonial Secretary had not, he said,

used the term "extinction of tithes" in its ordinary signification — no, he had qualified it; he had spoken only of the "extinction of the tithe system;" and in using that language he had spoken to the Irish peasantry, whose knowledge of the English language was not so critical as to be able to discern the wide difference between the "extinction of tithes" and the "extinction of the tithe system." But all these points were foreign from the matter of debate. The real question, disguise it as they might, was nothing else but this—ought any set of Christians to be obliged to pay for the expense of supporting the pastors of another set, in whose doctrines they did not believe, and by whose admonitions they did not benefit? Every man speaking before the public should be frank and candid in his declarations, and that had always been his practice. Now, if he had understood the right hon. Secretary for the Colonies correctly, that right hon. Secretary maintained that it was right to keep up a Protestant establishment at the expense of a Catholic people. He could tell the right hon. Secretary for the Colonies, and the House, that the people of Ireland never would, indeed never ought to, be content, whilst such an establishment was kept up among them at an expense which, even if they received advantage from it, would be objectionable. The indignant cry which the Roman Catholics of Ireland were raising against that overgrown establishment would be re-echoed by the Protestant Dissenters of Ireland, and of England too, until common sense had produced its natural effects even upon the understanding of that House. He put it to the gentlemen of England whether such an anomaly as the Established Church of Ireland ought to exist any longer? Did such an anomaly exist elsewhere? Was there any other country in the world in which a Church Establishment to which only 1-20th part of the population belonged was supported at the expense of the remaining 19-20ths, who neither believed in its doctrines, nor received consolation from the religion which it taught? But the right hon. Secretary for the Colonies was for supporting that establishment, in order to convert the Roman Catholics of Ireland into Protestants. As an additional inducement to that conversion, he supposed that the right hon. Secretary had rained down upon Ireland that shower of *latitats* from the Exchequer which had succeeded in some few cases in recovering 20*s*. at the expense of 50*s*. Yes, let the Government set up in Ireland the Colonial Secretary, with all his kindness of manner, and benignity of temper, and no doubt he would make all the people of Ireland converts to that Church to which he was so much attached, and for which he made them pay so dearly. What had the late right hon. Secretary for Ireland done for that unhappy country? Nothing, or worse than nothing. He had introduced two Bills on the subject of tithes. He was told, that his first Bill, the Bill of last Session, would increase the disturbances of Ireland; but he would not heed those who told him so; and what had been the result? Blood had been shed in various parts of the country, and no tithes could be collected except at the point of the bayonet. It appeared as if he had thrown Ireland into disturbance in order to introduce his favourite measure, the Coercion Bill. By the aid of that Bill tithe had been collected with greater rigour than before, and as the last feather broke the camel's back, so the last exertion of the power of that Bill had driven the unarmed peasantry of Ireland to resist its execution at Middleton, even when enforced by detachments of police and military. The King's Ministers too had come down to the House and obtained a unanimous vote of credit to pay off the tithes due to the clergy of the Established Church of Ireland. He hoped that they would come down on a future day and ask for a similar vote to pay off the tithes due to the lay impropriators. If they did, he was certain that no man who wished well to the settlement of Ireland would refuse to give them a similar vote of credit. The right hon. Secretary to the Colonies had held out to the people of Ireland the prospect that tithes should be extinguished altogether, when in stepped the present right hon. Secretary for Ireland and said, "Oh, no! they must be kept up to pay the present incumbents of the Church of Ireland their full salaries." Now he appealed to all who heard him, whether it was just to follow such advice, now that they had it stated on the authority of Parliamentary Returns, that, taking Ireland throughout, there was one-eighth of its benefices in which divine service according to the Protestant ritual had not been performed for the last three years? Why should not tithes be

abolished in those parishes at once? Why should any payment be made to those pastors who performed no duty? If they wished to procure tranquillity in Ireland, and to maintain it when procured, they must get rid of the temporalities of the Church of Ireland, which pressed upon her like an incubus.

Mr. *Lefroy* did not rise for the purpose of entering into a discussion of the general question involved in the proposition submitted to the consideration of the House by the hon. member for Waterford, as it seemed to be admitted on all hands that this was not the time for a consideration of the subject—but he could not permit the observations of that hon. Member, nor those which fell from the hon. and learned member for Dublin (Mr. O'Connell) in reference to the alleged number of benefices in Ireland, in which it was stated there was neither a church nor a resident clergyman, to pass without a reply. The hon. member for Waterford stated, that there were 649 parishes in Ireland in which no incumbent resided, and in which there was no church. The Representation made by the hon. Member in respect of parishes was calculated to mislead the House, inasmuch as many hon. Members might be induced to believe, that all these parishes were benefices—that there was this number of benefices in Ireland in which there was no resident clergyman. He challenged the hon. Member to state the name of a benefice in which no clergyman resided. It was true that there were many parishes so circumstanced, but this arose from the fact of the revenues of many small parishes not affording a competency for the clergyman; the consequence was, that several of these small parishes were united, and the union made up an adequate benefice, amounting to between 200*l.* and 300*l.* a-year, and in each of these unions a Protestant rector or curate was resident. The statement, therefore, of the hon. Member could not be supported.

Mr. *O'Connell* said, that in Kilsheda there was no resident clergyman, though the living was worth 1,000*l.* a-year.

Mr. *Lefroy:* The statements of hon. Members, supposing them to be correct, fell very short of the representation made, namely, that there were 649 parishes so circumstanced. There might be so many parishes in Ireland, in which there was no church, but he would venture to say that they were either united with other parishes in which there was a church, or had the accommodation of some neighbouring church. There was another observation made by the hon. and learned member for Dublin, to which he must reply. That hon. Member stated, that there was a hardship and an injustice in maintaining the Established Church in Ireland, as the great body of the people were of a different religion. He (Mr. Lefroy) begged to know, where was the injustice in making the Protestant proprietors of Ireland, paying for the maintenance of their own church? Nineteen-twentieths of the land belonged to Protestant proprietors, and it was admitted that the tithe was in effect paid by the landlords. The crying injustice, therefore, was, that the Protestant proprietors paid for the support of their own religion. As well might it be said that in some of the counties or great towns in England, where Roman Catholics resided, or dissenters formed a majority of the population, the Established Church ought not to be maintained. Now, he (Mr. Lefroy) contended that the establishment ought to be taken in reference to the whole body of Protestants in the United Kingdom, and not with reference to the local circumstances of Ireland or England. It was manifest, that the great majority of the population of the United Kingdom were Protestants; the establishment, therefore, was not for a portion, but for a great majority of the people.

Lord *Althorp* said, that he should not have troubled the House upon this occasion, had not the hon. and learned member for Dublin made upon his right hon. friend, the Secretary for the Colonies, one of the most unfair and unprovoked attacks which he had ever heard in the whole course of his parliamentary experience. He could conceive no other cause for that attack than this, that the hon. and learned Gentleman had been so often engaged in contest with his right hon. friend, and had been so often worsted by him in debate, that there rankled in his mind a sense of his own inferiority, and that, therefore, an opportunity having been offered him to attack his right hon. friend, when his right hon. friend could have no opportunity to reply, he was to be attacked whether he had given cause for the attack or not. The hon. and learned Member had avowed that his object was not alteration in the Establishment of the Church of Ireland. No, his object now

was, that there should be no Church Establishment, or no Protestant Church Establishment, in that country. He had always been aware that there were Gentlemen who entertained that opinion. He was not sure whether the hon. and learned Gentleman had not avowed that opinion before out of the walls of Parliament. But of this he was sure, that never on any occasion had his Majesty's Ministers either expressed or entertained an intention to destroy the Protestant Church Establishment of Ireland. They were anxious to effect, and they had endeavoured to effect such a Reform in that Church as would be a benefit to the Establishment itself; but as to subverting or destroying it, they disclaimed the idea. All they wished to effect was, to place it in such a condition as would press the least possible on the people of Ireland. The hon. and learned Gentleman had also taunted his right hon. friend with interfering in the affairs of Ireland, now that he was removed from the Irish to the Colonial Office. Now he had yet to learn that his right hon. friend, in accepting the Secretaryship of the Colonies, had given up any of his rights as a Member of the Imperial Parliament. As a Member of the Imperial Parliament it was part of his duty to attend to the affairs of Ireland, and if he were to fail in that part of his duty, he knew no man more likely to make it matter of charge against his right hon. friend than the hon. and learned Gentleman. The hon. Gentleman had also expressed a hope that in any future measure which Government might intend to adopt towards Ireland, they would not take the advice which his right hon. friend might be induced to give upon them. Now, to that hope he would give at once this reply—that on whatever political subject his right hon. friend should be inclined to offer him his advice, he should be most happy to take it.

Mr. *Sheil* did not wish to say anything which would add to the acrimony of the present debate, but he could not refrain from stating that in his opinion the observations of his hon. and learned friend, the member for Dublin on the right hon. Secretary for the Colonies were perfectly justified. They were not unprovoked, as most of them turned upon the general principles which the right hon. Secretary had declared ought to guide them in legislating for the Established Church of Ireland. All the measures which the right hon. Secretary had introduced upon those principles for the removal of the ecclesiastical grievances of Ireland had met with a signal and disastrous failure. His Bill of last Session for the commutation of tithes had excited disturbance instead of allaying it; and as to his Bill of the present Session, could anybody say what it was? They knew what the plan of the Government was with respect to the Bank Charter, the abolition of slavery, and the renewal of the East-India Charter; but could anybody tell them—could the Cabinet itself tell them—what the Irish Tithe Bill was? As far as he knew anything of the present project of Government, it was not likely to succeed in pleasing any party, it would not conciliate the peasantry of Ireland; and, by fixing the tithe as a land-tax on the landlords of Ireland, it would place the aristocracy against them. He called upon the House to do justice to the people of Ireland. The Session, it was true, was now far advanced, but it was not too late to consider the Bank Charter, the East-India Company's Charter, and the abolition of slavery. He, therefore, hoped that it would not be considered too late to do justice to his oppressed and injured countrymen.

Mr. *Shaw* said, it was a mistake to suppose that any measure for the permanent arrangement of the system of tithes in Ireland, had been announced by the Government during the present Session. On the contrary, it was upon the very ground that the Act of last year was to take effect from the 1st of November next, that the Government had proposed an adjustment of the tithes of 1831, 1832, and 1833, by means of an enactment limited to that specific object, and to that particular period. The observations of the right hon. Secretary were certainly liable to misconstruction, and perhaps calculated to do mischief by raising expectations which it was not intended to realise. As regarded any ulterior measure relative to tithes, it was plain that his Majesty's Government contemplated none. The right hon. Gentleman (Mr. Littleton) appeared to him to have very inconsiderately assented to a principle frequently advanced by the opponents of the Church—namely, that no tithe should be paid in a benefice where circumstances prevented the celebration of divine service,

That was going entirely beyond the clause in the Church Bill of his Majesty's Government, which only gave the power of suspending an incumbent where service had not been performed, but made no alteration in the payment of the tithe. The evil tendency of the clause as it stood in the Bill, wanted no aggravation from the comments of the right hon. Secretary. He (Mr. Shaw) denied the assertion of the hon. and learned member for Dublin (Mr. O'Connell) that one-eighth of the benefices in Ireland had been without service for the last three years; one-fourteenth, when the Returns were properly compared, was about the proportion; but this defect was rapidly diminishing, when the Government interfered to check the diminution. Out of 1,400 benefices there were, as he had before stated, about 700 at the time of the Union (in 1,800) where there were no churches. In 500 of these, churches had since been built, and there were about 100 other places licensed for divine worship. That left 100 still unprovided, and while thus the benefits and blessings of the Established Religion were spreading throughout the country, and six-sevenths of the previously unoccupied ground had been covered by them, his Majesty's Ministers cut a trench to interrupt the further progress of improvement, and leave the remaining seventh destitute of the means of religious instruction, according to the form of the Established Church. The simple question was, whether, admitting it to be an evil that any benefice should be without service, the mode of remedying that evil was to remove the clergyman, or to provide him with a church or other place, for the celebration of divine service? And all he could say was, that had that principle been adopted thirty years ago, six times the number of benefices that now were would have been returned as having no service in them. He was surprised that the hon. and learned Member (Mr. O'Connell) could seriously contend that tithe was a tax upon the mere occupying tenant, when he well knew that tithe free land would either let or sell for a greater sum than was paid for land subject to tithe—and that it would make no real difference to the tenant whether he paid nine-tenths to the landlord and one-tenth to the clergyman, or the whole to the landlord in the shape of rent. He allowed that it would be an improvement as to future contracts that the landlord should pay the tithe and receive in one sum the whole value of the land from his tenant, for it was always desirable, that what was done virtually should also be done nominally; but he considered that principle wholly inapplicable to the tithe measure of the Government, which alone had reference to the past and present time, and affected pre-existing contracts; and, however, some such expedients might have been rendered necessary by the want of vigour and firmness in the Government, and for the relief of the suffering clergy, under the severe pressure of distress in no way occasioned by themselves, yet there could be no doubt that the proposed plan would bear most unjustly on the landed proprietors, would be a premium to insubordination and outrage—and the man who had resisted the law, in a better condition than the man who had obeyed it. He would always maintain that the opposition to tithes had been altogether excited by the Roman Catholic priesthood, and the agitators and disturbers of the public peace. The poor deluded Roman Catholic peasantry would willingly have continued a payment to which they took their land liable, had not pains been taken to pervert their understandings and encourage them in acts of violence and outrage. The old hackneyed argument of a majority of a population paying for a religion which they did not profess, was at once refuted by the simple fact that the land paid the tithe, and that at least nine-tenths of that land belonged to Protestants, who not only, as well as all proprietors, held their property subject to the charge, but cheerfully contributed to the support of an establishment for which they entertained the sincerest and warmest attachment.

Mr. *Lambert* denied, that the Roman Catholics of Ireland had ever paid tithe to the Established Church with great willingness, and asserted that the various Insurrection Acts which had been passed against Whiteboys, Rightboys, Peep-o'-day-boys, Hearts of Oak, &c., had all originated in the hatred of the people to tithes. As this was only the second night on which they had given the subject of Irish tithes their consideration during the present Session, he would beg leave to call their attention to one or two facts connected with that subject which had not yet received the notice they deserved. They had heard a good deal of passive resistance in Ireland;

now, he would state without any reserve that he highly approved of that passive resistance—indeed, he approved of every species of resistance which did not violate the law, because he considered it as the last resource but one which the people had against an unjust and oppressive demand. The people of Scotland had been driven in former times to that last resource. He hoped that the wisdom of Government would prevent the people of Ireland from being driven to it also. He had to complain of the police system of Ireland. Nothing could be more different than it was from the police system in London. It was kept up in a state most mischievous in its effects. He could mention many instances in which some of its Orange members—even privates—had shown a contempt for the authority of the Magistrates, relying, no doubt, on the influence which had appointed them. One case was that of a man named Kennedy, who was fined for some offence. He told the Magistrates that they might fine him, but that he had friends and would get the fine remitted. The Magistrates reprimanded him for his insolence, and told him, they would represent his conduct and recommend his dismissal. He answered that they might do that too, but that he did not care for it; and the man was right enough, for so far from being dismissed, he was in a short time promoted. He admitted that the present Government were not to blame for that, but his complaint was, that the system had not been improved since they came into office. He contended that as in Catholic times the Archbishops and Bishops swore to hold their temporalities not of the Pope but of the King, such property could be considered only as the property of the State.

Colonel *Conolly* said, that when the hon. Member came before the House as the advocate of what he termed passive resistance, he only attempted to impose upon the community, when in the same breath in which he denounced tithes, he set himself up as a vindicator of the law. The hon. Member must have calculated greatly upon the credulity of the House as well as upon his own ingenuity, if he could persuade them into a belief of the latter part of his assertion. He (Colonel Conolly) could not help calling the hon. member for Wexford's recollection to speeches made by him in that House of the most inflammatory nature, and as it was well known that what was said in that House more or less reached the public, the effect produced by such harangues must be most prejudicial. He (Colonel Conolly) begged to call the hon. Member's attention more particularly to the piteous narrative which he detailed to the House of the case of Mary Mulrooney; and he would assert that a more exaggerated or unfounded statement never was uttered by the lips of man than the statement made on that occasion by the hon. member for Wexford. He, therefore, thought that the hon. Member was rather unfortunate in vaunting of his own moderation, for never did he see any man split more infelicitously upon the rock of self-eulogium than had the hon. Member. These inflammatory statements were so many appeals to the passions of the ignorant, and stimulated them to acts of violence and insubordination. The House would perhaps feel amused at finding that he agreed in any statement put forth by the hon. and learned member for Dublin; but there was one proposition laid down by the hon. and learned Gentleman to which he did assent. That hon. Gentleman asserted that no payment ought to be made to any man where no duty was performed. He (Colonel Conolly) should like to know, then, on what principle it was that the hon. and learned Gentleman received 12,000*l.* a-year, extorted as it was from the people of Ireland without his performing any duty in return. The hon. and learned Gentleman decried the neglect of the Protestant clergy, and refused to give them any payment where no duty was performed. He (Colonel Conolly) should hope that in vindication of his own principle, and in justification of his own conduct, the hon. and learned Gentleman would see the necessity of showing what services he rendered in return for the 12,000*l.* annually extorted from the starving peasantry of Ireland. He had in his possession a card which had been sent to him from Cork, bearing the names of collectors, secretary, and other officers, showing that an organised system had been adopted to extort money from the people.

Mr. *Roe* rose to order, and trusted the right hon. Gentleman in the Chair would interfere, and not allow the discussion to degenerate into mere personal attacks.

The *Speaker:* No one was more sensible than he was to the impropriety of personal

attacks being introduced into the discussions of that House, but he was afraid that it was rather too late in the night, after what had already occurred, to complain of those attacks.

Mr. *O'Connell* begged to be allowed to say one word in reply. Nothing could be more untrue than that extortion was employed in collecting the money alluded to. He would, in the strongest terms consistent with the dignity of that House, deny the charge. Nothing was ever asserted so little liable to credit as the statement of the hon. Member.

Mr. *Walker* said, that he was surprised, and that he saw with regret, that any one should jest upon and treat lightly, as had been done that evening, the atrocious murder committed by the yeomanry at Newtown Barry.

Mr. *Barron* replied, that he did not know in what way he was to understand the consistency of those who, having voted on Thursday and Friday week last, for measures similar to what he advocated, should now think fit to vote against his Resolutions. The present Resolutions were moderate, and were intended for the peace of Ireland, and did not go further than the sentiments frequently expressed by Gentlemen opposite. He maintained that five-sixths of the tenants under lease in the South of Ireland would be compelled to pay this tax to Protestants by the Act of last year, and that the consequence would be a repetition of the scenes of bloodshed which had taken place in Ireland during the last century. It was that the repetition of those scenes should be avoided that he brought forward his Resolutions. He would not detain the House any longer. His plan was, to have the working clergy of Ireland paid, and to take away the sinecures enjoyed by those who had no cure of souls. However, when he called to mind the result of the division on the 147th clause the other evening, he considered it useless to divide the House on his Resolutions.

Resolutions withdrawn.

New House of Commons.] Mr. *Hume* rose to bring forward the Motion of which he had given notice on this subject. The hon. Member began by quoting the Report of the Committee to which this subject had been referred, and which declared that no alterations could make the present House fit for the convenient accommodation of the present number of Members, and that it was therefore expedient that a new House should be erected. This was the opinion, not only of the Committee, but also of a great many Members of the House. He would confidently appeal to the Members of even the least experience in that House, whether it was, in its present state, fit for the accommodation of Members, or for the convenient discharge of public business? Let any man look at the state of that bar, and say, whether in the manner in which it was crowded, night after night, it was possible to give proper attention to what was going on? It was now twelve hours since he had entered the House that day, and it was often that he had to attend fourteen, fifteen, sixteen, and sometimes seventeen hours out of the twenty-four, and he would ask whether, in the fatigue consequent on such a long attendance, Members ought to be exposed to such an atmosphere, so little congenial to health as that which they breathed there? For the sake of health, then, they ought not to be crowded together in such a state as they were at present in that House. The suggestion of a new House did not originate in the present day. In the year 1739, nearly a century ago, and before the 100 Members for Ireland were added to the English Members, a plan of a new House was laid before the then Speaker, Mr. Onslow, and by that plan it was estimated, that the expense would not exceed 55,000*l.*; but the expense of the plan recommended by the Committee would not exceed much more than half that sum. It might perhaps be objected, that even this was too great an expense. It certainly was something new to hear from some of the hon. Members near him (some of the supporters of the late Administration) anything which indicated that they had taken on themselves the office of protectors of the public purse—an office to which they had heretofore not been much accustomed; but when he found, that many of those hon. Members had voted a million of money for the repairs of Windsor Castle, and he believed not less than 600,000*l.* for the building up and pulling down repairs of Buckingham-palace, he hoped that they would not object to so small an outlay as from 35,000*l.* to 40,000*l.* for a convenient building for the representatives of the Commons of England. He hoped, therefore, to hear no more of such objections from that quarter. It was

proved in evidence, on the statements of the most competent judges, that the present House would not afford convenient accommodation to more than 350 persons; how, then, could the business be performed with any ease or comfort to hon. Members, when there were 400, 500, or as it sometimes happened, 600 present? He need go no further, than to refer to what took place that evening at five o'clock, in the passage between the door and the bar, where the crowd was so great, that it was impossible to pass in or out without the greatest inconvenience. The same inconvenience was felt on every night of a full attendance; and he need only appeal to those who were present on divisions of 500 or more Members, for the fact of the annoyance suffered by the crowded state of the House. In the year 1794, George 3rd directed that a plan of a new House of Lords, as well as of a new House of Commons, should be laid before him, and such a plan was prepared by Sir John Soane, but circumstances had prevented any further proceeding in it. The Committee was unanimous in the recommendation of a new House. The only difference that existed between the Members was as to the site. Some were of opinion, that it should be at St. James's. He admitted, that that would be attended with considerable advantages, but then there was this objection—that if the House of Commons were removed to that place, it might be necessary to remove the Lords also, which would be a considerable addition to the expense. Several architects, who were examined, were of opinion that it would be best to erect the new House a little to the south-east of the present; others, that it should be to the east. His opinion was, that the best situation for a House would be due east of the present building, which might form the lobby of the new House, and be so contrived, by means of suitable folding-doors, as to afford very considerable accommodation, by shortening and facilitating divisions. If this plan were adopted, the House might be emptied in three minutes, instead of twenty being required for that purpose, and the time spent in divisions would be shortened from thirty-five or forty minutes, the present average in a full House, to fifteen. The economy of time to be thus effected was of the greatest importance. He thought a Commission might be advantageously employed in considering the subject, and carrying the plan which might be determined on into effect. The hon. Member concluded by moving two Resolutions to the effect—"First, That the present House of Commons did not afford adequate accommodation, due regard being had to the health and convenience of Members, and the despatch of public business, and that it was therefore necessary to erect a new building. Secondly, That an humble address be presented to his Majesty, praying that his Majesty would be graciously pleased to direct a new House of Commons to be erected, Parliament being prepared to place at his Majesty's disposal, a sum of money sufficient to defray the expense of such building." If these Resolutions should be agreed to, he intended to move on the first supply day, that a sum not exceeding 35,000*l.* be granted to his Majesty, for the purpose of building a new House of Commons. For his own part he should have been satisfied with 25,000*l.*, but named the larger sum in order to meet the wishes of others; it being understood, however, that the amount might be increased or diminished as the House should think proper.

Colonel *Davies* rose to second the first Resolution for the purpose of obtaining an opportunity to state in what respect he differed from his hon. friend. No man could be more fully sensible than himself of the defects and inconveniencies of the present building. The result was most unfavourable upon the proceedings of the House. A stranger introduced to that place for the first time, and witnessing the disorder which prevailed, and the undignified conduct of Members, would naturally ask, "Is this the celebrated House of Commons? Are these the master-spirits of the age?" The appearance of the House was frequently rather that of a debating-club or a bear-garden, than of a deliberative assembly. The noise was excessive, and Members, instead of attending to the proceedings, amused themselves with talking, or laying stretched at full length asleep upon the benches. A great deal of this arose from the bad construction and want of proper accommodation of the House. He could not agree with his hon. friend in his proposed site for a new House of Commons, and thought that an entire change of situation, to St. James's Palace, for instance, would be advantageous, and infinitely more convenient to all Members who were not of the legal profession. The hon. and gallant Member referred to the

Report, and quoted evidence in support of this opinion. In conclusion, he stated his intention to move as an amendment on the second Resolution, that the subject be referred to a Select Committee, to take into consideration the various plans proposed, and the evidence contained in the Report.

Mr. *Peter* referred to the opinion of Mr. Hanbury Tracey, for the purpose of showing that the present House could be altered so as to render it convenient to the Members, and adequate for the discharge of public business. Assuming that this could be effected, he was averse from building a new House, at the cost of the loss of all the recollections and associations connected with that in which they now sat, and which, in his opinion, were such, as no conveniences or accommodations could compensate.

Sir *Matthew White Ridley* thought, if any alteration were decided on, that the plan proposed by his hon. friend (Mr. H. Tracey) and supported by the evidence of Mr. Hopper, must be admitted to be best. He objected to the first Resolution, because he did not feel the inconvenience in point of unwholesomeness, or inadequacy for the despatch of business, of which it complained. The present House of Commons was sufficient for all the purposes for which it was wanted, and they could not remove it from its present situation without moving the House of Lords with it, and that was quite out of the question.

Mr. *Warburton* said, that he would support the first Resolution. The hon. Member who had just spoken had said, that the present House was not unfavourable to the health of the Members. Now, if the hon. Member had attended to the opinions expressed universally by hon. Members in their private conversation out of that House—if, instead of attending to what was spoken by Members in public within those walls, he had attended to their real honest opinions expressed by them in private conversation out of doors, he would have found that it was their general conviction, that the present House was unfavourable to the health of the Members. Several of his (Mr. Warburton's) friends had lost their health, and some of them their lives, in consequence of their continued attendance in that House. For himself, he would only say, that the seats were so inconvenient, that he never sat there for upwards of two or three hours, that he was not in a state of bodily torture, and he frequently spent twelve hours there during the Session at one sitting. The plan of the hon. member for Tewkesbury, while, in order to its being carried into effect, it would leave scarce a stone, with the exception of the roof and the floors of the present House standing, would remove but few of the inconveniences at present complained of. He thought that the Treasury should take the matter up.

Lord *Althorp* said, that hon. Members spoke of the unhealthiness of the House, but he did not know that there was anything actually in the House that rendered the sitting there unwholesome. [Mr. *Warburton* here reminded the noble Lord, that he sat on the floor.] He certainly sat on the floor at present, but he had sat for years where his hon. friend opposite now sat. He apprehended that sitting to very late hours for successive nights any where would be injurious to health. He was ready to admit, that on certain occasions, when there happened to be very full Houses, inconvenience was experienced from the size of the House, but for the average number of Members that attended during the Session, the accommodation was amply sufficient. The noise and interruption that were occasionally experienced in the present House had been complained of; but he was not sure, that if the size of the House should be extended, when the House would not be so full, there would not be greater noise. He confessed, that he did not feel a strong opinion on this subject. He thought that business could be conducted perfectly to the satisfaction of the country in the present building. Still, if it should be the opinion of the majority of the House, that an alteration should take place in the present building, he would not throw any obstruction or difficulty in the way of effecting such alteration. As his hon. friend said, he would take the sense of the House on the subject, and as he (Lord Althorp) did not think that any inconvenience existed to render it necessary to make an alteration in the present building, he would vote against the Resolution.

Sir *Robert Peel* would not consent to make an alteration in the present House of Commons, on such a very imperfect Report as that which had been presented on this subject. Of all the reports of Committees that he had ever read, he would say, that this was the most imperfect, and, with

every respect for the Chairman, the most discreditable report he had seen. The Report, in the first instance, expressed the opinion of the Committee—an opinion which the Members of the House could as well have formed without the assistance of a Committee—that the present House did not afford adequate accommodation for the Members; but when the Committee came to decide the question as to the erection of a new House of Commons, though twenty-two plans had been laid before them, they were not able to form a decisive opinion as to any one of them. It was ludicrous to hear all the faults of the House of Commons laid to the account of the building, There was, it appeared, often great talking, sometimes a considerable buzz, and, not unfrequently, much coughing; but they were the master-spirits of the age, and, of course, all those things were the fault of the present House of Commons. There was no doubt that the present House was not adequate to the accommodation of 658 Members, but the real question was, whether it was not amply sufficient for the accommodation of the average number of Members that attended in four out of the five nights in the week. If a larger house were built, it would not be as well calculated for the ordinary discharge of business, and besides, the hearing in a larger building might not be as good. The proposition to remove the house to St. James's, half a mile from its present site, was, of course, out of the question. He thought that it was a great advantage to the two Houses of Parliament, to be removed to some distance from that quarter where, as Dr. Johnson said, "the tide of human life swept along"—from Charing-cross, and its busy and bustling neighbourhood. If they were to have an alteration made in the present building, the necessity for which he questioned, he would prefer the plan proposed by the hon. member for Tewkesbury.

Mr. *Hume* replied. The Committee could not, according to their instructions, recommend any specific plan to the House. The right hon. Baronet, instead of acting the part of a grave senator, had gone to work in a very childish way, to criticise the conduct of the Committee. The hon. Gentleman then defended the conduct of the Committee, and declared, that he would take the sense of the House on the Resolution.

Mr. *Tracey* defended his own plan.

The House divided on the Resolutions —Ayes 70; Noes 154: Majority 84.

List of the AYES.

Aglionby, H. A.	Leech, J.
Attwood, T.	Lennox, Lord W.
Bainbridge, E. T.	Lloyd, J. H.
Baldwin, H.	Martin, J.
Barry, G. S.	Mildmay, P.St.J.
Bellew, R. M.	O'Brien, C.
Bish, T.	O'Dwyer, A. C.
Briggs, R.	Ord, W. H.
Brotherton, J.	Ormelie, Lord
Buckingham, J. S.	Pease, J.
Bulwer, H. L.	Penleaze, J. S.
Callander, J. H.	Philips, M.
Clay, W.	Potter, R.
Clayton, Col.	Poulter, J. S.
Dalmeny, Lord	Romilly, E.
Darlington, Lord	Roche, W.
Divett, E.	Ronayne, D.
Dykes, F. L. B.	Ruthven, E.
Evans, W.	Sharpe, Gen.
Ewart, W.	Staveley, T. K.
Ewing, J.	Strutt, E.
Finch, G.	Talbot, C. R. M.
Galway, J. M.	Tancred, H. W.
Gaskell, D.	Tennyson, Rt. Hon.C.
Gillon, W. D.	Vigors, N. A.
Gully, J.	Wallace, R.
Hall, B.	Warburton, H.
Handley, B.	Wedgwood, J.
Hawkins, J. H.	Whalley, Sir S.
Hay, Sir J.	Whitmore, W. W.
Howard, Hon. F. G.	Wilks, J.
Hughes, H. W.	Wood, Alderman
Hyett, W. H.	Yelverton, Hon. W. H.
Jephson, C. D. O.	Young, G. F.
Lambton, H.	

HOUSE OF LORDS,

Wednesday, July 3, 1833.

MINUTES.] Petitions presented. By the Bishop of LONDON, from several Places; and by the Earl of MEATH, from St. Luke's, Dublin,—for the Better Observance of the Sabbath. —By the Bishop of LONDON, from Warrington, against the proposed Church Reform in Ireland.—By the Earl of ROSEBERY, from Leith, in favour of the Separatists' Affirmation Bill.—By Lord SUFFIELD, from Great Brickhill, against Slavery.—By the Marquess of LANSDOWN, from Calcutta, &c., for further Privileges on the Removal of the East-India Company's Charter.

EMPLOYMENT FOR AGRICULTURAL LABOURERS.] On the Motion of the Duke of Richmond, the House resolved itself into a Committee on the Agricultural Labourers' Employment Bill.

On the 3rd Clause, which was introduced into the Bill by the Bishop of London, having been put,

Lord *Suffield* expressed his concurrence with what had fallen from the right reverend Prelate, respecting the removal of some of the defects of the Bill. He

had but one observation to make. Were it not for the present vicious state of society, and were the Poor-laws properly administered, he should consider the present Bill a great evil. As it was, it was an evil to correct other evils. He considered it a gross injustice that shopkeepers should be obliged to support those who were employed in agricultural labour.

Lord *Wynford* said, that the great difficulty was, that the right reverend Prelate's clause would not give sufficient protection to shop-keepers. He objected to the mode of rating proposed, and that Magistrates could never arrange it. Clergymen and tithe-owners would be liable to much vexation, unless they employed more labourers than their tithes were worth. He had to propose a clause which would exempt from the rate four classes of persons—tithe-owners, house-holders, shopkeepers, and the owners of warehouses who employed no labourers. He thought no one could object to allowing the clause to stand beside the clause of the right reverend Prelate.

The Duke of *Richmond* said, that as the principle of the Bill had been already discussed more than once, he should not now enter into it. He should oppose the Amendment; and he considered that the clause of the right reverend Prelate would prevent the clergy from being oppressed by the rate. The experiment had been made last year. It had been made in 425 parishes, and it had succeeded in them all, except one; so that there were 424 to one in its favour.

The Bishop of *London* did not intend to make any observations upon the subject; but he trusted the noble Duke would allow him to set him right upon one point, upon the point that there had been no complaints from the clergy where the labour-rate had been adopted. The reason of that was, that those parishes were under composition for tithes, and if the clergy were charged, the composition would cease. Unless tithe property were protected, in six months the noble Duke would find that his calculation would be reversed; and that instead of having 424 out of 425 parishes in favour of the rate, he would have complaints from the whole number. If his own clause were acted upon, it would protect the tithe-owner from undue oppression.

Lord *Wynford* said, that their Lordships would add to the oppression the tithe-owner laboured under, if they did not adopt his clause. That clause would be a sort of by-law, and would not interfere with the right reverend Prelate's clause.

Lord *Suffield* said, that one reason why the labour rate was not adopted in more parishes was, that the rate was too high. He saw, with much pleasure, that in the present Bill the scale of rating was reduced. Tithes should be protected as well as any other sort of property; but he still thought that the tithe-owner should be as liable as any other holder of property, to support the poor.

The Committee divided on Lord Wynford's Clause: Contents 12; Not-Contents 24—Majority 12.

The other Clauses were agreed to, the House resumed; and the Report was received.

HOUSE OF COMMONS,
Wednesday, July 3, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. JOHN MARTIN, a Return from the Clerks of the Peace of the several Counties in Ireland, stating the Number of Appeals from Magistrates' Decisions tried before the Assistant Barrister at Quarter Sessions, in January and April last.—On the Motion of the Earl of DARLINGTON, the Number of Corporal Punishments inflicted in the different Regiments of the British Army in Great Britain and Ireland, in 1830, 1831, and 1832.—On the Motion of Mr. SPRING RICE, the Quantity of Refined Sugar Exported from the Port of London, in the first two Quarters of 1833.

Bills. Read a first time:—Merchant Seamen's Wages.—Read a second time:—Transmission of Property (Ireland).

Petitions presented. By Mr. TENNYSON, from St. Mary, Newington, and Camberwell, against Police Spies.—By Sir JOHN HAY, from the Presbytery of Route, against the New Plan of Education (Ireland).—By Mr. TURNER, from Blackburn, against the Rating of Tenements Bill.—By Mr. O'DWYER, from the Officers of the Disbanded Waggon Train, complaining of being treated differently from Others.—By Sir ROBERT PEEL, from the Surgeon Apothecaries of Birmingham; and by Lord MORPETH, from those of Dewsbury,—against the Apothecaries Bill.—By Sir EDWARD CODRINGTON, from Devonport, against the Excise Duties, and Assessed Taxes.—By Sir ROBERT PEEL, from the Writers of the Signet of Edinburgh, against the Annuity Tax Bill; from the Clergy of Suffolk, against the Proposed Measure of Irish Church Reform; from Avoch, against a Premature Measure of Negro Emancipation; and from the Dissenters of Barnsley, for the Immediate Abolition of Slavery.—By Mr. FIELDEN, from several Mills, and from the National Political Union, in favour of the Factories' Regulation Bill.—By Lord MORPETH, from Blaxton and Auckley, to continue to be included within the Jurisdiction of the Soke of Doncaster.—By Mr. GASKELL, from Wenlock, for some Provision concerning that Borough in the Local Jurisdiction Bill.—By Sir JOHN RAE REID, from the Public Notaries of Dover; and Mr. B. CARTER, from those of Portsmouth and Cowes, against the Notaries Public Bill.—By Mr. JAMES OSWALD, from the Glasgow Faculty of Medicine, in favour of the Apothecaries Bill: and from the Merchants of Glasgow, for an Equalization of the Duties on

Sugar.—By Mr. EWING, from the Associate Burgher Synod of Edinburgh, for Amending the Law relative to Lay Patronage in the Church of Scotland; and from several Bodies of Men in Glasgow, against the Bankrupts (Scotland) Bill.

HOUSE AND WINDOW TAXES.] Colonel *Evans* presented a Petition from the inhabitants of the Strand and its vicinity, on the trade of the Metropolis. The hon. and gallant Member proceeded to call the attention of the House to the complaints of the petitioners as to the distress they were suffering, and which he could confirm without hesitation. It had been stated by an hon. Member, an Alderman of the city of London, that he had recently been compelled to issue 500 summonses against persons occupying houses of 50*l.* rental, for the non-payment of poor-rates. Now, if these persons were unable to pay their poor-rates, the House might be quite sure that they must have equal, if not more, difficulty in paying their Assessed-taxes. This, alone, if there were nothing else, would furnish sufficient proof of the distressed state of the tradesmen of the city of London. It had also been stated to him, that there was a great falling-off in the trade and profits of these classes of persons. Several retail dealers had declared that whereas they were formerly in the receipt of 100*l.* a-week, they did not now receive more than from 10*l.* to 15*l.* Another proof of the distress of the working classes was to be seen in the large number of unoccupied houses in the Metropolis. He understood, that formerly it was very difficult to obtain possession of a house in Fleet-street or Cheapside; now there were, in both these places, several houses that could not be let. Even in the parish of St. George, the rental of which was 570,000*l.*, there was 70,000*l.* of rental wholly unoccupied. In the whole of the Metropolis he understood there were more than 10,000 houses unoccupied. He had made some inquiries, for the purpose of ascertaining whether there had been any falling-off in the value of houses as a profitable investment for capital, and he had ascertained, that the falling-off had been from forty to fifty per cent. He had again to complain of the way in which the collectors had been recently enforcing the payment of these taxes, and he should be glad to know whether that had been in consequence of any instructions from the Government. He believed it was not, but he should like to know that for a certainty. The Metropolis had suffered particularly by the transfer of the East India trade to the outports, as well as by the transference of the silk manufacture to Manchester. There was another point to which the petitioners had called his attention—namely, it appeared that many great capitalists were in the habit of lending their money to the small trader, who was thereby enabled to get credit to five or six times the amount by its means, and so got into business; but the capitalist had in the meantime taken a lien on the goods and house of the trader, and by-and-by he comes down with it, and sweeps away all the goods in the shop, at much under their original cost. Of course, not only was the trader ruined, but he dragged others along with him. Now, the petitioners stated, that many of these capitalists had been before the Committee on Trade, and had given very flattering accounts of the state of trade. They might well state that they were flourishing, but that was the way in which it was done—it was by the total ruin of many small traders. The hon. Member said, he had also a petition to present from certain inhabitants of the parish of St. James, Westminster, for a relief from the taxes on houses and windows. The petitioners stated, that the pressure of these taxes was insupportable. They had been led to believe, that these taxes would have been repealed during the present Session. In this they had been disappointed, and they therefore came before the House with their complaints. Though the entire rental of this parish was only 270,000*l.*, it paid more in Assessed-taxes than Leeds, Birmingham, and Manchester put together. It might be said, it was an opulent parish. It was true, one part of it was opulent, but a large part of it was far from being so. The petitioners pointed out the great disparity that existed in the manner of rating; they instanced Burlington House and the humble shop next door. One which had only a frontage of fourteen feet, and had chambers above, which were separately rated, was assessed at 105*l.* per annum, which was more than forty times in proportion to Burlington House. He was told that an Income-tax would lead to great inquisitiveness; but what was the plan pursued lately in regard to the surcharges? Why, the surveyor of taxes, if he supposed that the house was given in below its value, summoned the occupier

before the Commissioners, and there he was asked the amount of his rent; then what sum he had given for the lease, and what sum he had laid out in repairs; they put the two last sums together, and added six per cent. upon them to the rent. Now, if it was proper to follow that plan with the shopkeepers, surely it should also be followed with the nobleman. Why should not six per cent be added to the estimated rental of Northumberland House upon the half-a-million spent upon it two years ago? Or why should not the same plan be followed with Eaton Hall, upon which so much had lately been laid out in improvement? In St. James's parish, the parochial officers had, within these few days, made a fresh assessment, and they had raised Burlington House from 1,300*l.* to 2,941*l.*; so that there was great injustice done in some way—he would leave it to the House to say whether it was now or before: they had not confined themselves to that place, for they had raised one tradesman from 75*l.* to 110*l.*, and others in the same way. Then, again, it was surely unfair that, when the parish officers raised any rental, the tax-gatherer followed as a matter of course; but, when the parish lowered, the King's tax-collector refused to follow that example. Where was the justice of that? He believed it to be quite impracticable to effect perfect equality in the assessments; but it was a question whether those noblemen and others, who it was seen had been rated 400 per cent. too low, ought not now to pay up the arrear, and so relieve those who had been so long paying for them. The Bank of England had been rated at only 2,500*l.* a-year, and yet, as had been excellently put by the *Times* newspaper of yesterday, that same bank, in its account of assets sents into Government, stated the value of their premises at 40,000*l.* per annum, and debits the Government with 28,000*l.* per annum for the portion occupied in the transaction of the Government business; and yet it was only rated at 2,500*l.* The East-India House, which occupied much the same extent of ground as the Bank, was rated at 2,500*l.*, whilst, no doubt, it was worth much more than 48,000*l.* a-year. Private banks in the neighbourhood of the Bank of England, which did not respectively occupy more than a twentieth of the ground, were rated each at about 500*l.*, or one-fifth of that of the Bank of England. It was quite out of the question that, with all these inconsistencies, the tax could be continued, or be submitted to any longer. In the country the four highest assessments were for persons in trade; and it was assumed that they could afford to be so rated from the amount of their profits. But what would those Gentlemen who supported that opinion say when he told them, that the highest rated of the four parties mentioned had since the return been Gazetted in the list of bankrupts? In Piccadilly there was a tradesman's house of two floors, with a frontage of only fourteen feet, which was rated at 140*l.*—a higher rate than could be found in any of five counties which he could name, having among their inhabitants Dukes, Marquesses, Bishops, and other noblemen and dignitaries. The authority of Adam Smith had been quoted by the right hon. Gentleman opposite to prove that taxation on houses and windows did not fall on the occupiers, but on the proprietors; but Adam Smith's opinion had not been fairly stated. Adam Smith said: 'Neither would such a tax (upon house 'rent) fall altogether upon ground rent, 'but it would divide itself in such a 'manner as to fall partly upon the 'inhabitants of the house and partly upon 'the owner of the ground. The final 'payment of this tax, therefore, would 'fall partly upon the inhabitant of the 'house, who, in order to pay his share, 'would be obliged to give up a part of 'his conveniency, and partly upon the 'owner of the ground, who, in order to 'pay his share, would be obliged to give 'up a part of his revenue. In what pro-'portion this final payment would be 'divided between them, it is not perhaps 'very easy to ascertain. This division 'would probably be very different in 'different circumstances, and a tax of 'this kind might, according to those 'different circumstances, affect very un-'equally both the inhabitant of the house 'and the owner of the ground. Houses 'not inhabited ought to pay no tax.' On window taxes he said—'The principal 'objection to all such taxes is their in-'equality; an inequality of the worst 'kind, as they must frequently fall much 'heavier upon the poor than upon the 'rich.' And, finally, upon the House-tax, 'The rent of houses (Adam Smith also 'said,) though it in some respects re-'sembles the rent of land, is in one respect

'essentially different from it. The rent 'of land is paid for a productive subject; 'the land which pays it, produces it. The 'rent of houses is paid for an unproductive 'subject. Neither the house, nor the 'ground it stands on, produces anything. 'The person who pays the rent, therefore, 'must draw it from some other source of 'revenue, distinct from, and independent 'of, this subject. It must, in short, be 'paid from the wages of labour, profits of 'stock, or from capital or other property.' Another eminent writer on this subject (Mr. Ricardo) says: 'A tax on the rent 'of houses may either fall on the occupier, 'on the ground landlord, or on the 'building landlord. In ordinary cases, 'it may be presumed that the whole tax 'would be paid both immediately and 'finally by the occupier.' And, commenting upon Adam Smith, he says, first quoting from the latter: 'Ground-rent 'and the ordinary rent of land are, there-'fore, perhaps, the species of revenue 'which can best bear to have a peculiar 'tax imposed upon them.' Mr. Ricardo also observed: 'It must be admitted, that 'the effect of these taxes would be such 'as Adam Smith described: but it would 'surely be very unjust to tax exclusively 'the revenue of any particular class of a 'community. The burthens of the State 'should be borne by all in proportion to 'their means; this is one of the four 'maxims mentioned by Adam Smith, 'which should govern all taxation.' The valued rents of the houses, buildings, and ground-rent in Great Britain were 11,000,000*l.*; and the probable rent was not less than 35,000,000*l.*; so that an equalization of taxation would, as it ought to do, go far to lighten the burthen that now pressed upon the former. Adam Smith stated, in his observations on a House-rent tax, that—'It is not very 'unreasonable that the rich should con-'tribute to the public expense, not only 'in proportion to their revenue, but some-'thing more than in that proportion.' Now, when it was proved that the rich of the metropolis did not contribute in proportion to their revenues to the public expense, but in an inverse proportion, he thought it was high time such inequitable proceedings were done away with. He regretted that Ministers, instead of doing all they could to relieve the national burthens, had increased them by bringing forward measures which would have the effect of increasing the National Debt. In his opinion, such facts as he had stated must create feelings of strong indignation and dissatisfaction. It was his opinion, and he would express it in that House, out of it, and everywhere, that unless the Government made out that the circumstances he had stated with respect to the injustice and inequality of the tax did not exist, he conceived the people ought not to pay such taxes, and that they would be justified in resisting the payment.

Mr. *Spring Rice* said, that having received intimation from the hon. and gallant Member of his intention to present the petition, at the same time expressing a wish that he (Mr. Spring Rice) should be present upon the discussion, agreeably to that request he had made it his duty to be so; at the same time he trusted that the gallant and hon. Member would not feel it any disrespect to him, the subject, or the House, if he did not enter fully into the merits of the petition, especially when it was considered that the subject had lately been many times before the House, and that there was at the present moment a motion on the books on that very subject by an hon. Member. He should, however, be ready to meet the statements of the gallant and hon. Member when the subject came on for practical discussion. The reason for his refraining from entering fully into the subject now was, that he disliked entering into discussions which could lead to nothing. He must, however, be permitted to make a few observations, in reply to some of those that had fallen from the gallant and hon. Member. He thought the hon. and gallant Member had shown, if there was an inequality in the present mode of taxation—which he admitted—that the parishes themselves, if they would only look into the matter, had the means of doing justice to the parishioners in the respective parishes. The parish officers of St. James's, above all, deserved infinite credit for the manner in which they had applied themselves to correct the inequality of taxation. He had never denied inequality, or defended it—he was an advocate for correcting inequality of taxation where it had been found to exist. The officer of the Crown had no option, but to levy according to the parochial assessment. If the House was rated parochially at a given sum, the officers of the Crown were not empowered to take less. It would, therefore, be

evident to the House and to everyone, that if any inequality existed, the parochial authorities had only to rate the house at its proper value; and, if that rate stood good, the amount of the King's taxes must follow it. The hon. and gallant Member had concluded by stating, that Government had made no reductions, nor afforded any relief to the people. Now, in answer to that, he would state, that upon an expenditure of more than 17,000,000*l.*, there had been a reduction of 3,000,000*l.* which, in his opinion, tended to relieve the people from taxation. The hon. and gallant Member had also thrown out an opinion, that unless the evils complained of were relieved, the people would be justified in refusing to pay taxes. He could never hear that doctrine broached without deprecating it; and he was sorry that it should have found an advocate in any Member of the Legislature. He thought the hon. and gallant Member would have done better to have exhorted his constituents to use their best energies to have the taxes repealed, at the same time telling them, that it was the interest of the humblest among them more to support the law than to violate it. No man could doubt that it was violating the principles of the law to adopt that course which the hon. Member had stated.

Colonel *Evans* thought, with respect to parochial officers correcting the evils complained of, that unseen influence which had hitherto operated upon them would still influence them in not equalizing their mode of rating. With respect to the reduction of 3,000,000*l.* by Government, the late Government, of which the right hon. Baronet to his right was a Member, had made similar reductions. But that had not satisfied the country any more than the reduction by the present Ministry; nor would it, as long as a large standing army was kept up, and no alteration was made in pensions and sinecures.

The Petition was then laid on the Table.

Sale of Game.] Mr. *Gilbert Heathcote* presented a Petition from the Master Gun-makers of the metropolis, complaining of a falling-off in trade, in consequence of the operation of the Sale of Game Act, and praying for a revision of the same, especially as regards the sale of game. The hon. Member stated, that the effect of the change made in the Game-laws, two years ago, had been very different from that hoped for by its promoters and expected by himself. In order to show, that such was the case, he would state to the House the number of committals which had taken place in the course of the year previous to the alteration in those laws, and in every year since, which would show what the effect of the change had been on the amount of crime. In the year 1830, which was the last year of the old system, the number of committals in England and Wales, under the Game Act, was 778; in 1831 (the first year of the new system), the number of committals was 1,355, or nearly double what they had been the year before. In 1832, they increased to 2,820—in other words, they had quadrupled in two years. After making that statement, it was almost unnecessary for him to say, that the change in the Game Laws had not been found to answer the purpose intended from it. He (Mr. Heathcote) thought, that the public was mistaken as to the object of the Game-laws. It was thought that those laws were intended to secure amusement for the country gentlemen. That was by no means the case. In several districts, most of the gentlemen and great proprietors were absent, and as far as they were personally concerned, the state of the laws did not signify so much as it did to the small landholders and tenants; and, he could say, that with no class was the new system so unpopular as with those small holders of land, and with tenants. They had stated to him (Mr. Heathcote), that the new system had demoralised the people to a degree which was totally unknown before, and they were almost universally in favour of a change. He could state as a fact within his own knowledge, that no class was so anxious for a change of the present system, as the farmers. He hoped that he should have those Members who were anxious for the better observance of the Sabbath on his side in procuring a revision of those laws, for it had so happened from the manner in which the Bill was drawn up, that Sunday was the day on which the poachers carried on their depredations, which was another evil of great magnitude, even when considered abstractedly, and in connexion with the morals of that portion of the community most likely to be affected by these

enactments—the poor. It had been said, that an abundance of game was a temptation to crime, but he could not see that there was any truth in that assertion. It might as well be said, that the quantity of fine goods exposed in the windows of the shops of London was a temptation to crime. But he had a proof that the abundance of game was not a temptation, and it was a subject well worthy of remark. He found that, in 1831, whilst there were at one period 603 persons in confinement for offences against the Game-laws in England and Wales, there were but six confined in Scotland. That fact alone proved that the abundance of game was not the cause of the amount of poaching in England, for in no part of the United Kingdom was the game so plentiful as in Scotland. He might be asked what remedy he proposed for the evils of the present system? He would plainly say, that he was not for abandoning the principle of the present Bill in as far as the sale of game was concerned, but he thought, that means might be taken so to modify that principle as to prevent the evils at present complained of. He did not wish to legislate hastily upon the subject, for fear of falling into errors, as the framers of the present Bill had done; and he was, therefore, willing to give the present Act a trial for another year. But, he hoped, that the question would be gone into next Session, and when it was taken up, that the Government would consult the country gentlemen and others who might be supposed best acquainted with the subject, before any attempt was made to amend the law.

Petition to lie on the Table.

Mr. *William Brougham* presented a similar Petition from the operative Gun-makers of London and Birmingham. In his opinion, it was well worthy of the attention of the House, and there was nothing that could be more conducive to the prosperity of agriculture than a well-regulated system of Game-laws. It appeared to him that the great defect in the present system was, that game, being a species of property, was not protected like other property. He thought that game ought to be as well protected as fowls, chickens, or geese, and other poultry. A poacher, who took out a license had a right to shoot over the lands on which he had leave, and through him great numbers of other poachers had an opportunity of obtaining sale for their game. He thought, that some additional protection might be given to game, which, while it gave a sufficient opening to the sale of game, would prevent poaching. The present Act had been in operation for two years, which, he thought, was quite sufficient to show how it would operate, and, he was bound to say, it had failed. He had ascertained, in the course of his inquiries on the subject, that even the farmers were dissatisfied, and he had been told that poaching, so far from being put down, had absolutely increased; and the consequence had been, that in many counties, gentlemen who were not extensive proprietors, had been obliged to give up sporting. That was confirmed by the petitioners, who complained, that in consequence of the diminution of sporting, they were unable to sell any new guns. He allowed, that the demoralization of the people was not attributable to the Game-laws alone; some part was to be set down to the effect of the new beer-shops, which were found to do much evil. The petitioners prayed for the revision of the Game-laws, with a view to their Amendment; and he concurred in the prayer of the petition. He did not, however, think that they could be taken up this Session, although, he hoped, an early opportunity would be taken next year to bring them under the consideration of the House.

Mr. *Cobbett* said, as the hon. Member did not intend to submit any motion to the House, he would only make a very few remarks. He was sure, that the country gentlemen must be greatly obliged to the gun-makers for bringing this subject before the House. As to what the hon. Member had said about the increased number of commitments for poaching, he would only remark, that it must appear somewhat curious, when the present Act was intended to put an end to them. He said, when it was before the House, that such would be its effect, and it was now seen that he was right. But the beer-shops! The hon. Gentleman could know very little indeed about the effects of beer, if he supposed it made men poachers. No, it was not the men who congregated together at beer-shops who went out poaching; it was the quiet men, who did not go to the beer-shops, who went out poaching. Then as to the sale of game, what could be so well calculated to promote poaching as this? As to making

game property, the House, he was sure, would never do that; making blackbirds and thrushes property was too preposterous a thing to be thought of. The way to suppress poaching was, to repeal all the laws that had been made on the subject since the accession of George 3rd.

Mr. *Craven Berkeley* had been requested to support the prayer of this petition, which he did most cordially. He could not agree with the hon. member for Oldham, that the gun-makers had come forward in support of the country gentlemen. The gun-makers had found their trade so much depreciated, owing to the present Game-laws, that they could not sell any new guns whatever; and if no other hon. Gentleman brought forward any measure upon the subject, he himself should feel it his duty, next Session, to bring the subject of the Game-laws under the consideration of the House.

Mr. *Thomas Attwood*, in supporting the petition, said, that he did not attribute the distress of the petitioners to the Game-laws, but to the mischievous interference of the Legislature with the monetary system. If, however, his Majesty's Government would persevere in carrying their Resolutions respecting the Bank charter —and if they would have the kindness to give us a silver standard—and perhaps they might even let us have one-pound notes—if they did this, the gun-makers of Birmingham, and the gun-makers of London, would also have plenty of custom. He believed that all the distress of the country was monetary, and nothing else.

Mr. *Gilbert Heathcote* was sorry that he could not agree with the hon. member for Birmingham, when he made the monetary system the cause of all the evils complained of by the petitioners. The petition said nothing about the monetary system whatever; it merely complained of the Game-laws. The hon. member for Oldham had complained of the general poverty of the agricultural portion of the community; now, he (Mr. Heathcote) would say, that, as far as he knew anything of the part of the country which he represented, Leicestershire, it was never in a state of greater contentment and prosperity than at present.

Sir *Robert Peel* said, that the gun-makers of the metropolis complained of the effect of the Sale of Game Act on their trade; but they ascribed probably too much to that Act. He believed that much was to be attributed to the extension of the manufacture of guns in the country. He remembered the time when no gentleman would shoot with any but a London gun. He believed, that London guns, which were once the only guns that gentlemen would shoot with, were still as good as ever; but he also believed, that those manufactured in country towns were not inferior. Something, too, might be attributed (though perhaps this was not a very fit subject for discussion in Parliament) to the effect of the introduction of detonating locks, which put all sportsmen pretty much on an equality. In his opinion, there was more game, but less shooting, at present than at any former period. Gentlemen shot now, not for game, but for vanity. As for the argument adduced by the hon. member for Birmingham, no doubt the hon. Member kept the currency question always at full cock, but he doubted the propriety of firing it off on the presentation of a petition on the subject of the Game-laws.

Petitions to lie on the Table.

SINECURES.] Mr. *Thomas Attwood* presented a petition from the Northern Political Union, agreed to at a public meeting, complaining of the distress of trade, and particularly of the distress of the labouring classes, which the petitioners attributed to excessive taxation, and praying for a repeal of all taxes on the necessaries of life, particularly the Corn-laws; it also prayed for Annual Parliaments. The hon. Member said, for his part he was content with the present House of Commons if they would but make the people happy, and again make the country what it was before—"Merry England." He had similar petitions from a parish in Fifeshire, and from Warwick. He placed implicit confidence in the present House of Commons, feeling convinced, that either under the "patronage" of the present Ministry, or some other, that some change would be made in the policy of the country, that would bring back happiness and contentment to a large mass of the people.

Sir *Robert Peel* wished to make an observation respecting this petition. As sinecures were complained of in it, and as he had no doubt that the complaint arose from a real belief that a great deal of the public money was wasted in sinecure

offices, he hoped the hon. Member who brought those complaints before the House would move for a return of the number of offices under the Crown, of which the duty was performed by deputy, and which were not regulated by law, after the termination of existing interests. As the hon. member for Birmingham was of opinion, that that would make the people happy and comfortable, he (Sir Robert Peel) would be glad to see him bring in a short Bill for the purpose.

Mr. *O'Dwyer* could not see anything in the remarks of the hon. member for Birmingham that called for the facetious remarks of the right hon. member for Tamworth. As to what the right hon. Gentleman had said about sinecures, he would ask why lazy sinecurists should be permitted to burthen the people of England for even a short period of time? He would recommend to the House to hasten their movements, and do something effectual before the people resorted to extreme measures.

Mr. *Sinclair* observed, that the objections urged by the people of England against sinecures applied rather to the principle than to the amount. Their existence was considered by the distressed population as an insult and an injustice. The feeling entertained by a starving weaver was this:—"I am deprived of work, and destitute of subsistence; my wife and children are in a state of wretchedness; I get nothing out of the Public Exchequer, because I have done nothing for the public; but Lord A, and Mr. B, and my Lady C, have done just as little for the country, and yet they receive from the national income many hundreds and thousands a-year. Why should not the same rule be applied to them and to me? Why should they receive public money to enable them to riot in luxury, whilst I, who, in point of service, have as good a claim as they can urge, am left with my family to starve?" This mode of reasoning, which the working classes were naturally led to adopt on this question, engendered sentiments of jealousy, heart-burning, and dissatisfaction. With respect to the Committees for examining into Agricultural and Manufacturing Distress, he should expect little or no benefit from their labours, unless they probed to the bottom the manifold evils which the resumption of cash payments, and the consequent enhancement of all public and private burthens, had entailed on the community. Unless this grievance were investigated, the inquiry would be a mere delusion. It reminded him of Blue-Beard delivering over the keys of his palace to Fatima, with free permission to range over all the spacious saloons of that magnificent mansion, but adding, that there was one apartment which could only be opened by a golden key, and into the forbidden precincts of which she must by no means presume to intrude, under pain of incurring his displeasure, and bringing great evils upon her own head. If this injunction had been obeyed, the whole interior of the edifice might have apparently exhibited one uniform glare of splendid elegance; and it would never have been discovered that one room within it was the gloomy receptacle of rottenness and corruption, containing the evidence of numerous crimes, and that the only one to which all access was debarred.

Petitions to lie on the Table.

BANK CHARTER.] Lord Althorp moved, "That the House resolve itself into a Committee on the Bank of England Charter Act."

Mr. *Herries* wished to take that opportunity to ask the noble Lord, whether the report which had gone abroad, that it was the noble Lord's intention to postpone that part of his plan which related to Joint Stock Banks with limited responsibility, were true or not?

Lord *Althorp* replied, that he had intended, before the Speaker left the Chair, to make a statement on this point. He begged leave to say, that in his opinion, the regulations relating to Joint Stock Banks not being banks of issue, was not the least important part of the measure he had introduced. He attached great importance to that part of the measure, though he knew that there were many persons who objected to it. He thought it was very desirable to establish safe banks of deposit in every part of the country. He was aware that the country bankers were very much opposed to that part of the plan; and their opposition was certainly not to be despised. Indeed, from all the information he had been able to obtain, he believed that they would be more powerful than he was—at least, it was probable, that they would be so powerful as to make it almost impossible to carry that part of his measure this Session. He

felt, therefore, or rather, he should say, his Majesty's Government felt, that it was not desirable to press forward that part of the plan. He had, therefore, to announce, that it was the intention of Government to postpone all that part of the plan which related to country bankers, except that portion of it which makes it imperative on them to compound for the Stamp-duties. He should not give up that part of the plan, in order that the House might at least have some knowledge of what was the amount of the issues of country bankers. It was desirable that it should be included in the single Bill he should now have to bring in. He did not give up the other part of his plan from supposing that he was wrong, or because he was convinced by the arguments which had been urged against it, but because (and he stated the true grounds) he should not be able to carry it.

Mr. *Herries* rejoiced to hear what the noble Lord had stated; but he would beg leave to ask the noble Lord another question. The Committee had already passed one Resolution, about which there was some doubt—that relative to the making Bank of England notes a legal tender, and that subject seemed also a fit part of the plan to be postponed. He understood the noble Lord to have stated, that it formed no part of the bargain with the Bank of England. The public and Parliament, as he understood, were quite at liberty to dispose of that question as was most proper, without consulting the Bank. He thought it a matter of regret that a subject of such great importance should be mixed up with the enactments of a Bill renewing the Bank of England Charter. If he thought that the noble Lord would adopt his suggestion, he would recommend that it should form the subject of a separate Bill. It would be more consistent with principle, for the two things were not necessarily connected, and would be more convenient for discussion. He thought, that the two subjects ought to be introduced in separate Bills.

Lord *Althorp* could not concur in the right hon. Gentleman's suggestion. He admitted, that he had stated that it was not proposed as a *bonus* to the Bank; but it was proposed as a benefit to the public at large, and was so connected with the measure he proposed, as to form part of it, and would induce him to give every opposition to the suggestion of the right hon. Gentleman. He did not see any inconvenience which would arise from its forming part of the Bill for the renewal of the Bank Charter. There would be ample opportunity to discuss the measure. The only additional opportunity which would be given, by making it the subject of a separate Bill, would be on the second reading; for, in all the other stages, the measure might be as well discussed as if it were a separate Bill. He thought there were many reasons why it should not be a separate Bill.

Mr. *Herries* distinctly understood, that the measure formed no part of the bargain with the Bank, and that it might be rescinded or altered without the Bank having any title to complain.

Lord *Althorp* said, certainly it was proposed on general grounds, and it was quite clear, that it was a measure of such a description, that if it were found inconvenient, it would be in the power of Parliament immediately to alter it.

Mr. *Baring* said, he had seen with pleasure that the noble Lord would not give up the Resolution he had carried. The more he considered it, the more he was convinced that it would be useful. He also considered, that the country bankers, generally, would not object to the Resolution, and that their general hostility was directed more against that part of the plan which had been given up, than that part of it which was retained. But, though he approved of the principle, he objected to mixing it up with the renewal of the Bank Charter. There were other Resolutions of the same kind. The one relating to the Usury-laws was not connected with the Bank Charter. He did not expect so much good from that Resolution as some hon. Gentlemen, though he was not opposed to it; but it had nothing to do with the renewal of the Bank Charter. In the correspondence of the noble Lord with the Bank, it was not stated, that these things were part of the bargain; but in the correspondence it was said, "We are going to do so and so; we are going to alter the Usury-laws;" and as the ultimate consideration, the country was entitled to have the compensation augmented. It was rather too much, therefore, to say that the Bank might not put a veto on the arrangement as far as it was concerned, if the regulation about the Usury-laws were abandoned. The principle of making the Bank of

England paper a legal tender, was too important to form part only of another measure. It ought to be the subject of a specific measure, and not mixed up with the renewal of the Bank Charter.

Lord *Althorp* stated, that the part of the plan which he had abandoned was undoubtedly part of the bargain. He thought, on that point, that the Bank of England might, if it pleased, abandon the bargain. The establishment of Joint Stock Banks, not of issue, and with limited responsibility, was proposed to the Bank, and the consent of the Bank was founded in part on that. If the Bank of England should consider that it had a right to abandon the proposition, it might do so, and he should have no reason to complain.

The House went into Committee; the Chairman read the fourth Resolution.

Mr. *Clay* rose to submit an Amendment of which he had given notice. He said, that he did not blame the Bank for the bargain which they had made with the Government, because they had a right to obtain the best terms they could for themselves; but it was the duty of the House of Commons, as guardians of the public purse, to assist the Chancellor of the Exchequer, who, it was clear, had been overmatched. It was some consolation to him to know, that though he had the misfortune to differ from the Chancellor of the Exchequer of the 3rd of June, he agreed with the Chancellor of the Exchequer of the 1st of April last, for the proposition which he was about to submit to the House, was identical with that which the noble Lord, at the latter mentioned period, made to the Bank. The noble Lord had not stated to the House the reasons which had produced such an extraordinary change in his opinions between the 1st of April and the present time. It would, under those circumstances, be his duty to justify the noble Lord to himself, and to place him in the same state of mind in which he was on the 1st of April. The noble Lord and the Bank admitted, that the question now pending was to be decided with reference to this question—"What are the terms upon which a new banking company would undertake to do all that the Bank of England agrees to do?" He would undertake to show that a company would do the business at a cheaper rate than the Bank of England. He had no hesitation in saying, that the Members of that House would stultify themselves if they entered into a rash bargain, supported on such accounts as those which were before the House. On looking over those accounts, he found, that the circulation of the Bank of England was 20,000,000*l.*, and the Government deposits 4,000,000*l.*, making 24,000,000*l.* altogether. Of this sum the Bank stated, that they reserved a third in bullion in their coffers, leaving 16,000,000*l.* of created money to be employed by them for the purposes of profit. Upon this sum of 16,000,000*l.* they obtained, by their own showing, an interest of 467,875*l.* per annum. Now, what did the Bank do? They deducted from this amount of profit 147,000*l.* a-year (being one per cent upon the amount of capital lent to Government at three per cent, on the ground, that if they employed it in another manner, they could obtain four per cent. How any body of men could have ventured to put such an item as that before persons of common sense he was at a loss to imagine. In the very same account he found that, upon the 16,000,000*l.* left at their own disposal, the Bank got less than three per cent—namely two and three-quarters per cent—and yet they had the assurance to claim 147,000*l.* from the Government, on the ground that they could make four per cent of the money lent to Government. The Bank actually charged the Government one per cent more for money than the Bank could make by any other application of it; and this they did as a favour, demanding privilege in return. Was not this perfectly outrageous? The attempt of the right hon. Gentleman, the Vice-President of the Board of Trade, to extenuate the conduct of the Bank for this overcharge was an insult to the House; but would it not be better to give back to the Bank its 14,500,000*l.* than submit to such an imposition? If it were refunded to them, he should like to know, by what means they would realize anything like four per cent by it at the present day? [Lord *Althorp:* By lending it out on mortgage.] He denied, that four per cent could be obtained for this money by lending it out on mortgage. In fact it could only be employed in the funds; and he should show, that the Government were made to pay 43,000*l.* more than an investment in the funds would produce. This would leave the Bank entitled to only 104,000*l.* for transacting the public

business, instead of 147,000*l.*, as claimed by the Directors. The next item was, if possible, even more extraordinary than that which he had just touched upon. He meant the sum claimed by the Bank for the rent of the premises in which the public business was transacted. The Directors had dared to expect of the country no less than 35,300*l.* for rent. This was absolutely monstrous; for he was satisfied that a new company could erect new and convenient offices for the purpose, for a sum not exceeding 13,000*l.* This formed a fresh error in the accounts, that called for the attention of Parliament. The next item was forgery; and under this head the Bank stated their average annual loss to be 40,000*l.* a-year, although they included in the account Fauntleroy's forgeries, which, in one year, amounted to 360,000*l.* The Bank, however, took care not to refer to a circumstance which, of itself, was more than a compensation for any loss they might sustain by forgeries —he meant the large amount of outstanding notes for which the Bank had received value, but which it was probable they would never be called upon to pay. The amount of notes which had been outstanding more than twenty years was 280,000*l.*; more than fifteen years, and less than twenty, 95,000*l.*; more than ten years, and less than fifteen, 149,000*l.*; more than five years, and less than ten, 511,000*l.* These were all 5*l.* notes; but there were besides 297,000*l.* of 1*l.* and 2*l.* notes outstanding; and it was improbable that the Bank would ever be called upon to pay more than a small portion of the whole sum, amounting altogether to 1,234,000*l.* The last item to which he would advert, was the sum of 24,500*l.* a-year for pensions to the industrious men who had served the Bank as clerks, and enabled them to acquire their enormous profits. Would the Bank dare to say, that if they had no connexion with the Government, the public would be called upon to pay pensions to their servants? Then why should they do so now? If the Government should complete the proposed arrangement, the pensions of the Bank's servants would be as much paid by the public, as if they were charged on the Consolidated Fund. The amount of profit from all these items, now made the Bank stock worth 205 per cent; and he could prove, that if the Bank ceased to be a Corporation to-morrow, which was in the power of the Government, their stock would not be worth more than 130 per cent; and the difference between that amount and 205, showed the enormous profits which the Company made by the public. He contended, that a bank might be formed to-morrow, with a capital of 10,000,000*l.*, which would make 750,000*l.* profit, and not charge one farthing for the management of the debt. He was sure, that if such a plan were announced to-morrow, in one day the capital would be subscribed by the first names in the city, and that the stock would be at forty or fifty per cent premium in six weeks. He was confident that this was true; and he could not understand how the noble Lord reconciled it to himself to have come to such an arrangement as he had announced. He felt, that they should be failing in their duty to the public, if they stultified themselves by ratifying a bargain founded upon accounts and data so totally untenable. He, therefore, trusted, that the Committee would adopt the Amendment he should propose, and show to the country, that they were determined to discharge their duty as guardians of the public purse and the public interests. He moved as an Amendment, to substitute for the words standing in the Resolution, these words: — "That the allowances and remuneration now secured by law to the Bank of England for the management of the public debt, and other services rendered to the public, shall cease, and that such services shall be gratuitously performed."

Lord *Althorp* begged the Committee to bear in mind, that the whole statement of the hon. Member was based on the assumption—first, that the Bank of England could not make more profit on the 14,500,000*l.* due to it by the Government, and, as such, to be considered as so much locked-up capital, than by lending it, as at present, to the Government at three per cent; and next, that another bank of issue, such as the hon. member contemplated, would discharge the same public service on cheaper terms. He was prepared to maintain the negative of both propositions. He could not admit, that the Bank could not employ that 14,500,000*l.* capital—say commercially—so as to realize a profit higher than the three per cent which they received from the Government. No man had any right to say, the Bank could not make more than three per

cent on its capital. The argument could not apply to the dead weight; so that the only question was, whether, by lending money on mortgages, or commercially, the Bank could obtain higher profits than three per cent. He maintained that it could, so that the hon. Member's first assumption fell to the ground. As to the demand of the Bank in respect to forgeries, he was prepared to admit, that he thought that charge exorbitant, at the same time, that, taking the average of the two last ten years, the sum would be much less (he meant the difference between the losses of the Bank and the sum of remuneration demanded by it) than hon. Members seemed to anticipate. It should be recollected, that if the Bank included the losses consequent upon the forgeries of Fauntleroy within their last ten years' average, they had not calculated a large loss which they had incurred within the former ten years. ["That was a case of fraud, not of forgery."] Very true, it was a fraud case; but the loss was equally the same to the Bank. He, however, would not count this forgery item, as he was free to admit, that the Bank statements were exaggerated. The question then was, whether he, on the part of the public, could have concluded a better bargain than he had concluded with the Bank—that is, could he expect that a private bank of issue, such as the hon. Member had spoken of, would do the public business on more moderate terms? Let them suppose such bank of issue established, and then, taking the amount of the transactions of the Bank of England, let them consider whether the former could, according to the ordinary usage of bankers, perform the public functions of the latter on lower terms. The average currency issues of the Bank were 20,000,000*l.*; and he was applying his calculation to this supposed other issue bank; its average public deposits 3,500,000*l.*, its average private deposits he would take also at 3,500,000*l.*, being half of the present amount;—the other half would, he took it, go to the other establishment, making 27,000,000*l.*, which, with 3,000,000*l.* surplus, that the Bank ought always to have to meet their various engagements, would make a total capital of 30,000,000*l.* If from this they deducted the 9,000,000*l.* of bullion necessary for the security, there would remain 21,000,000*l.*, on which they might expect a fair profit. Their expenditure was to be deducted from these profits, including 160,000*l.* for the management of the public debt; 170,000*l.* for the cost of their currency and note circulation; 70,000*l.* for stamps; and 40,000*l.* for private business. On the other hand, as a set-off against the cost of expenditure, they should take into account the revenue derived by the Bank from their capital employed in the Government securities, which, he admitted, with the hon. Member, was, under certain circumstances, the best test of the state of the money-market, relative to the employment of the Bank capital. There was 14,500,000*l.* at three per cent, producing 435,000*l.* per annum; 6,000,000*l.* in Exchequer-bills at two and a-quarter per cent, producing 135,000*l.* per annum; then there was an item of charge for agencies and other business, set down at 75,000*l.*, but which, he thought, was not a fair statement. There was 7,000,000*l.* lent to the Government at three per cent, (and that also he thought greatly over-rated), producing 210,000*l.*, making with the sum at present received for the management of the public debt, a profit of 1,123,000*l.* to the Bank; from which deduct the cost of their expenditure, and there would remain a nett profit of 667,000*l.* Now, this sum gave a profit of but six per cent, and he was sure that no Joint Stock Bank, like that contemplated by the hon. Member, would embark 10,000,000*l.* of capital at a less rate; certainly not for the chance of five per cent. It was on this conviction that he entered into the negotiation with the Bank last April. He was not a commercial man, but he persuaded himself he acted on a wise and safe principle when he sought the best terms that he found, on inquiry, could be had in the market. If he wanted to purchase a house, he would see what was the lowest price he could obtain a house at; so with the Bank—he first ascertained what was the lowest rate of profit at which he could expect to get the public business, at present performed by the Bank, transacted. Acting on this feeling, he had negociated with the Bank Directors. If the House did not approve of his bargain, let it visit him, and not them, with its censure.

Mr. *Matthias Attwood* thought, that the only mode of dealing with the subject was to refer it to a Select Committee, to

consider, on the one hand, what the Bank of England should be paid for the management of the public affairs; and, on the other hand, that most important figure in the account, which the noble Lord had totally overlooked, what the Bank was to pay for the monopoly about to be given to them. He should be disposed to move an Amendment to that effect upon the Amendment of his hon. friend. The arrangements made in 1788 and 1800 afforded another proof that the present arrangement for the renewal of the Charter had not been framed on as liberal a foundation on the part of the Bank as the country had reason to expect. In 1788, although the Charter had six years to run. The terms of its renewal were considerably more advantageous to the country than the present. In 1800 the case was similar. On the occasion of the renewal of the Charter in that year the Bank agreed, as a consideration for the advantages they were to derive by the continuation of their privileges, to lend to the public a sum of eleven and a-half millions at two per cent lower than the market rate of interest of that day, an arrangement by which the country was saved a sum of 230,000*l.*, which it would have had to pay in raising the same loan at the Exchange at the market rate of interest, being at that time five per cent. By the present arrangement no such consideration was to be given, and the public would have to raise the eleven and a-half millions at the market rate. He knew it might be said, that the country was at the time engaged in a war, and that the circulation of the Bank was very great; but he begged the Committee to consider what was the situation of the country and of the Bank in 1780, and what were then the terms of renewal. In 1780, the entire amount of the circulation of the Bank was but 6,000,000*l.*; and yet at that period they also lent eleven and a-half millions to the country, at a loss of two per cent on the market rate of interest. Now, taking all these circumstances into consideration, and comparing also the situation of the country and the Bank at the periods of 1780 and 1800, with their situation at the present time, he left it to the House and to the country to decide whether his Majesty's Ministers had made as beneficial terms as there was reason to expect they might have done. Moreover, the state of the country and the depressed condition of the revenue made it incumbent on his Majesty's Ministers, even if there had been no precedent, to use their best endeavours to obtain as much compensation as possible in return for the privileges they found themselves qualified to grant; at all events, recollecting the pledges of economy and retrenchment in the transaction of the public business, they should have held out far more moderate terms for the management of that part of it which related to the national debt. It was a large and, he contended, a highly valuable property of which the country had to dispose, and, such being the case, they were bound in discharge of their duties not to proceed in disposing of it on the hasty, partial, and defective information with which the noble Lord had supplied them, or without, by that securest of all parliamentary tests, a well-appointed Select Committee, making themselves perfectly acquainted with the very highest price which their property was worth. He did not mean to blame the noble Lord particularly for the hasty and inconsiderate manner that the present agreement had been come to. All that could be said of it was, that it was quite on a par with the other legislative enactments of the noble Lord's Administration, and that it partook of that confusion which had marked all the proceedings, without distinction, of the present Session. From such confusion it was his object to rescue it, by the appointment of a Select Committee, to which it should be left to determine what would be the proper compensation to be made to the Bank for the discharge of the public business, as well as, on the other hand, what consideration should be paid by the Bank for the exclusive privileges they were about to receive. The sum which the noble Lord had proposed should in future be paid to the Bank for the discharge of the public business was fully, if not more than adequate. The Bank, it was true, alleged that the management of the public business cost them at the present moment 164,000*l.* a-year; but when he recollected that a calculation made by Mr. Ricardo in 1816—a period when the debt was highest, owing to a protracted war—proved it had not cost more than 150,000*l.*, he found himself unable to give credence to such an allegation. Would any man tell him that the extensive business, which was valued on the termination of a pro-

tracted war at 150,000*l.* was at present to be estimated at more than 100,000*l.*? When, therefore, he found the noble Lord consenting to allow 128,000*l.* a-year for that which he firmly believed could be well managed for 100,000*l.*, a-year, while at the same time the noble Lord received nothing for the exclusive privileges he proposed should be continued to the Bank, he thought he was fully justified in contending, that too much precipitation had been used, and that the House ought to require further information before they came to any definitive arrangement. Nothing was further from his thoughts than to object to the Bank having certain exclusive privileges; but when the Bank was getting them the Bank should in justice be made to pay for them, more particularly when the exigency of the times rendered it necessary for the State to husband every resource from which money could be procured. Some time ago, when a deputation from the Regent-street shopkeepers waited on the noble Lord to pray relief from certain taxes which they found oppressive, he pointed to his empty Exchequer as an excuse for declining to entertain their prayer; and he thought it somewhat strange that the noble Lord should have neglected an opportunity in the negotiations with the Bank Directors of endeavouring to replenish that Exchequer, and by that means to meet the wishes of a certainly overburthened class of the community. What he wanted by his present Motion was to ascertain as nearly as possible the grounds on which the present arrangements had been come to, and then whether better and more equitable terms might not be had. With that view he begged to move as an Amendment to the Amendment of the hon. member for the Tower Hamlets, a Resolution declaratory of an opinion on the part of the Committee, that a Select Committee should be appointed to inquire and report what might be the amount of a fit compensation to the Bank for the management of the public business on the one hand, and on the other, what might be a fit consideration to be paid by the Bank in return for the exclusive privileges with which it was proposed to invest them.

Mr. *Clay* was quite prepared to withdraw his Amendment, in order to make room for that of the hon. member for Whitehaven. He perfectly agreed with the hon. Member, that the House were not in possession of adequate means of deciding the important question under consideration. He could not think that the appointment of a Select Committee would cause any great delay, for there were only a few points to inquire into; and the appointment of such a Committee would give great satisfaction to the public.

Lord *Althorp* observed, that even if the hon. member for the Tower Hamlets were to withdraw his Amendment, the Amendment of the hon. member for Whitehaven could not be proposed in the Committee. A Committee of the whole House must dispose in one way or another of the business before it, and could not refer that business to the consideration of a Select Committee. The only course to take would be to move that the Chairman do leave the Chair, which, if the Committee agreed to, that proposition would give the hon. member for Whitehaven, an opportunity of moving for the appointment of a Select Committee.

Mr. Clay withdrew his Amendment, and—

Mr. Matthias Attwood moved, that the Chairman do report progress, and ask leave to sit again.

Mr. *Robinson* observed, that the effect of the appointment of a Select Committee would be to supersede the whole of the arrangement which had been made with the Bank by the noble Lord; and to leave the question to be recommenced. Now, although he certainly thought that the terms obtained by the Bank were too advantageous, he begged to ask whether it was likely, if the Select Committee decided that the offer to the Bank should be considerably diminished, the Bank would consent to such an arrangement? It had been supposed by the hon. member for the Tower Hamlets, that to obtain a renewal of their Charter, the Bank would be ready to do the public business for nothing. It appeared in the evidence before the Committee, however, that such readiness had been denied by one of the Bank Directors. He confessed, that he was not inclined to disturb the existing bargain. It had been contended by the hon. member for the Tower Hamlets, that there would be no new difficulty in making a new arrangement with a Joint Stock Company, to which privileges should be given similar to those now enjoyed by the Bank of England. He did not think that

a plan of that kind would be so easy. It would make such an alteration in the whole banking system of the country, that the Committee ought very gravely to consider the proposition before they drove his Majesty's Government into its adoption. The hon. member for the Tower Hamlets had said, that such a company might be formed, with a capital of 10,000,000*l.*, 7,000,000*l.* of which they might lend to Government, at three per cent, for one-and-twenty years — as the remaining 3,000,000*l.* would be sufficient for carrying on their own transactions. But let it be remembered, that, although the interest of money at present was little more than three per cent, some contingency might, in the course of a year or two, advance it to five per cent; by which the company in question would be subjected to great loss. Now, although he thought the noble Lord (he would not say had been outwitted in his negotiation with the Bank, for he really was not of opinion that that had been the case, but, on the contrary, thought the noble Lord had been too candid in his admissions on that subject) —had made a disadvantageous bargain, he believed that one great cause of his having done so was, that the question had been driven off to too late a period; and that the noble Lord had thought it absolutely necessary that the arrangement with the Bank should be concluded in the present Session. It should be remembered that one of the disadvantages of breaking off the connexion between Government and the Bank of England would be, that Government must immediately pay off all the debt due from the public to the Bank. No doubt that was a consideration which tended materially to influence the noble Lord. Looking at the whole question, therefore, although he believed the Bank had made a bargain advantageous to themselves, and somewhat unfavourable to the public, he thought it would be an inconvenient course to adopt the proposition of the hon. member for Whitehaven. At the same time he reserved to himself the right of ultimately determining upon the proposition, according to the arguments which he might hear, either in support or in contravention of it.

Mr. *Robert Wallace* said, that upon the whole he should express his approbation of the plan; and though the arrangements were not, in his opinion, of the profitable nature for the country that they might have been, still there was so much sound principle in the measure as to deserve his support. There was, however, one part of the measure that he should watch: he wished to see both Ireland and Scotland receive the benefit of the legal tender clause, should that part of the plan appear to work well. He hoped that there would be nothing in the Bill to prevent the Parliament from extending that clause to those two countries, should it be found beneficial here. He should, at a proper time, move a Resolution on the subject; and further, he should recommend that the time for continuing this bargain should be shortened, that we should not be bound longer than three years with any bargain.

Mr. *Baring* said, that the question the House now had to decide was, whether the bargain made by the Government with the Bank of England was of such a nature —was so improvident—that the House could not ratify it? He could not agree with the hon. member for Whitehaven, that it would be right to send this question to a Committee up-stairs, even if there were time and opportunity to do it; for such a reference would be setting a precedent that ought to be avoided, particularly in these times, when that House possessed so much power over the other branches of the Legislature. It would be a delegation of the power of the Executive to a Committee of that House, in a way that ought not to take place. He agreed with the hon. member for the Tower Hamlets, that the noble Lord had made a bargain with the Bank, and submitted to conditions that he would not have acquiesced in, had he had more time to show his firmness on the question. He admitted, that the bargain was not so profitable to the country as it might have been; but then there was some necessity that the bargain should be made; and if it had cost the country 50,000*l.*, or even 100,000*l.* more than it would now cost, he should not think the money thrown away in preserving the country from the shock to public credit which would have been given, had a different course been pursued. He did not know either that the money would be much more than adequate for the loss of the profits the Bank now received. He believed that, in this bargain, the noble Lord had been too much influenced by the fear of being obliged to establish a second Bank of England. He need not have feared that so much; for the Bank would

hardly have driven him to such a course. The Bank, as a private Bank, would be acting under great disadvantages. Its present establishment would be far too large and expensive for such a purpose; and its mode of transacting business, whatever might be the amount of its capital, would deter rather than invite customers; for few men would like to submit their want of an advance of money to a numerous body of persons to whom they must explain all the circumstances that rendered their demand necessary. He was perfectly convinced, that if the noble Lord had made a proposal which the public had thought reasonable, the holders of Bank Stock would have made their Directors consent to it, and the monied interest of the country would have supported the Government in the arrangement. He did not altogether approve of what the noble Lord had done; but he certainly objected to the Motion of his hon. friend, the member for Whitehaven, not because the principle of referring questions to Committees of that House was not the best mode of proceeding, but because to do so in this instance would be an invasion of the proper duties of the Executive.

Mr. *Poulett Thomson* said, that the hon. member for Essex had rightly called the attention of the Committee to the fact, that the question involved in this discussion was, not only in what situation the Bank would stand, but in what situation the country would stand, if that House consented to re-open the question, more especially when it was recollected, that not only had the Government made up their minds on the subject, but, what was of still more importance, that House had already resolved on adopting the principal part of the plan proposed, and had consented that there should be but one Bank of Issue in the Metropolis. He thought that the hon. member for Essex had treated the arrangement which had been come to rather too severely. The hon. Member had not looked fairly at the question. He was not called on to contend, that the sum fixed on in the arrangements between the Government and the Bank was altogether what, under all possible circumstances, should have been settled between them; but the question was, whether the Government and that House were to run the risk of the refusal of the Bank, (supposing them to take exaggerated views of their own interests and of the profits and loss of this arrangement) to accede to the proposed plan; and if such was to be the case, what would be the condition of the public? With regard to the proposition of the hon. member for Whitehaven, he must say, that he agreed most fully with the hon. member for Essex, that to adopt that Motion would be improperly to delegate the powers of the Executive to a Committee of that House. It would be to establish, at least, a most inconvenient precedent, and it would have the effect of putting an end, for the future, to any power of the Executive to enter upon any arrangements or have any dealings with any great Corporate body. Suppose the Government had stood out on the terms sought by the Bank, what would have been the condition of the country, or what would now be its condition, in case of the consent of the Committee to the proposition of the hon. member for Whitehaven? The hon. member for Whitehaven had, as was usual with him, employed very strong language to express his disapprobation of the conduct of Government, and particularly of the course pursued by the noble Lord, the Chancellor of the Exchequer. He would not take the trouble to comment upon the language used by the hon. Member, for the House could not fail to feel the injustice of the charge made against his noble friend, of his having neglected his duty as Chancellor of the Exchequer and entirely taken the side of the Bank Directors. The hon. member for Whitehaven had made it matter of complaint against his noble friend, that he had not treated the Bank Directors in the same manner as he treated the shopkeepers of Regent-street. He begged to tell the hon. Member—he need not tell the House—that his noble friend's only object had been to settle this question in the most advantageous manner he could for the country. Supposing the question had been left unsettled, and Government had proposed the appointment of a Private Committee to consider it, what would then have been the conduct of the hon. member for Whitehaven? He would, if possible, have used still stronger language, and reprobated the Government for not having themselves decided upon a question the settlement of which was of so much importance to all the important interests of the country. The Committee should look at the other side, and should con-

sider what would have been the case if this bargain had not been concluded. Much had been said with regard to the terms of it, and no inconsiderable exaggeration had prevailed respecting the advantages which the Bank was likely to reap from it. He did not mean to say, that it was all that we had a right to expect, but he did mean to say this—that, under the circumstances, it was all that we could get; and that it would be better to confirm than to vitiate the arrangement. The hon. member for Whitehaven had in strong terms reproached his noble friend, the Chancellor of the Exchequer, with the terms of that bargain, and had even gone so far as to assert that, on this occasion, he had stood forward as the advocate of the Bank. Now, his noble friend had done no such thing; he had stood forward to vindicate the bargain which he had made. Hon. Gentlemen had said, that that bargain was unfair to the public, and too liberal to the Bank. In showing them, that it was not unfair to the public, his noble friend was obliged to prove, that it was not too liberal to the Bank, and thus, up to a certain extent, his noble friend was obliged to come forward as an advocate for the Bank. The hon. member for Whitehaven had asked "where the evidence was, to prove that any attempt had been made to drive a better bargain with the Bank?" In negotiations between public bodies and the Executive Government, it was not usual to have a short-hand writer seated behind the chair of the negotiators. He was sorry that such a practice had not been adopted in this instance—for then it would be evident, that his noble friend had not failed to make endeavours to drive a better bargain for the public. The hon. member for the Tower-Hamlets had made out a case, in which he admitted, that there was a good deal of truth, but in which it ought not to be forgotten there was not a little of exaggeration; as, for instance, in his statement about the losses sustained by the Bank in consequence of forgeries on the funds. It was also an exaggeration to state, that the bargain of 1800 was a better bargain for the public than the bargain which was now under consideration. His hon. friend, the member for Essex, seemed to be of opinion, that the Bank would have acceded to better terms rather than have risked its exclusive privileges. He believed that opinion to be most erroneous. He believed that the Bank Directors had taken such a view of their own interest as would have induced them to reject those great advantages, if the Government had not proposed to them the terms which were now under discussion. His hon. friend had asked what would become of the Bank if it were deprived of the business of Government? His hon. friend answered that question by stating, that it would become a bank with a large establishment, and a capital of 10,000,000*l.*, and in a very short time an extensive bank of deposits. Now, he thought that it would become no such thing, for it would return a part of its capital to the proprietors, and would remain, as it now was, a Chartered Bank, though deprived of the exclusive privilege of issuing paper-money. As far as he recollected the amount of property belonging to the Bank, it would be enabled to return to the proprietors 155*l.* per share, the price of stock now being 205*l.* per share; and would then proceed to trade with shares of 50*l.* a-piece only. Returning so much of their capital to the proprietors, would it not be able to make a good dividend upon those 50*l.* shares, or upon whatever sum it might be determined that a share should be? What, he would ask, was the situation of the Bank now? It had, at present, got 7,000,000*l.* of deposits, which it had received as a private banking body. Whilst upon this point, it might be as well for him to call the attention of the Committee to the alteration which had recently taken place in the mode of managing the business of the Bank of England. Some years ago the Bank did not seek to obtain private business—indeed, the mode of conducting business there was so tied up by rules as to prevent it from having much private business. Since the year 1825, however, the Bank had laid itself out for private business, and now it had a large amount indeed of private banking. He need not mention to his hon. friend, the member for Essex, nor indeed to any Gentleman who was at all acquainted with the commerce of the country, how high the credit of the Bank stood, and how valuable the goodwill of its name would be, even when deprived of the business of Government. He contended, that it would then be in a situation which would not require it to diminish, but which would enable it to extend, its private business. He, therefore, felt himself perfectly justified in saying, that the Bank of England, being

perfectly aware of the circumstances in which it stood, would have risked getting rid of the business of the Government and the country, and would have determined to carry on its own private business on its own private resources. Such being the feeling of the Bank, it was an additional argument for the Government's not risking too far a result which he had not heard one Gentleman, who admitted that we ought only to have one bank of issue, assert would not be attended with the most mischievous consequences to the country. If such had been the case when the Government was treating with the Bank, what would the case be now if the House determined to leave it to a Committee up-stairs to settle the terms of renewing the Bank Charter? Besides, the question, if referred to a Committee up stairs, would no longer be an open question. The House had already decided by a large majority that there should be but one bank of issue, and that that Bank should be a commercial body. The Committee up-stairs would, therefore, be precluded from establishing two banks of issue. As a *pis aller*, it might, however, get rid of the Bank of England, and set up in its place another commercial body as a bank of issue. Now, on these grounds, he thought that the House ought not to refer this question to the consideration of a Committee up-stairs, and also that it ought not to vitiate a bargain which, though it might not be so good as we might wish, was still as good as we could make.

Sir *Henry Parnell* called the attention of the Committee to the extraordinary circumstances in which it was placed. It was going to vote a Resolution which every Member who had yet spoken concurred in describing as inexpedient. He insisted that every Member who had yet spoken had disapproved of the amount of the sum to be paid to the Bank, and added, that if opinion was so strong as to the impolicy of paying it within the walls of Parliament, it was still stronger out of doors. It would, indeed, be extraordinary if the Committee did not relieve itself from this situation; for it was evidently all owing to the obstinate determination of the Bank of England to have its own way. He felt much disposed to support any measure which would get the Committee out of the difficulty, and which would do justice to the public by taking care of their money. It was his opinion, that instead of the public paying 120,000*l.* a-year to the Bank, the Bank should pay no small sum to the public for the privileges which it enjoyed. He thought, that the Bank should be required to manage the debt without any payment from the public, and that it ought to pay a considerable sum for the advantage which it enjoyed of holding the public money. He hoped, that the Committee would not adopt this Resolution. He did not see any inconvenience in referring this matter to the consideration of a Committee up-stairs. Instead of leaving it to the settlement of the Government in private, he thought that the House of Commons ought to undertake the settlement of it in the first instance. The only possible inconvenience that could by any accident result from referring this bargain to the consideration of a Committee up-stairs, to which, by-the-by, the Government last Session had expressly pledged themselves to refer it, was, that the settlement of it might be postponed for a short time. He would undertake to say, that, if a Committee were appointed, it would not take them more than a week, certainly not more than a fortnight, to conduct the inquiry, and to make their Report. He had no doubt that the House would adopt the Report of such a Committee, and if so, less time would be lost by appointing such a Committee, than by proceeding to embody the Resolution in a Bill, which, as it was agreed to without evidence, would certainly be debated on every one of its stages. For his own part, he could not see how any inconvenience could arise to the commercial interest of the country by allowing the Bank Charter to remain as at present for another year.

Mr. *Grote* said, that though he felt inclined to agree to the Amendment of the hon. member for Whitehaven, it was from motives very different from those which had just been expressed by the right hon. member for Dundee. He differed from the right hon. Baronet, when he said, that no mischief would arise to the commercial interests of this country from the postponement of this question to another Session of Parliament. It was his decided opinion, that much mischief would be the result, if the settlement of this question were postponed beyond the present Session. A postponement of it to next Session was not, however, necessary, because there was time to appoint a Com-

mittee and to receive its Report before the close of their present Session. It was from no wish to encroach on the duty of the Executive Government, that he now came forward to support the Amendment; but he thought that, if the Committee were called upon to approve the bargain into which the Chancellor of the Exchequer had entered with the Bank, it ought to know the principles upon which that bargain was founded. At present he believed that few, very few members indeed, knew anything about them. In his present state of mind he was not inclined to assent to so great a reduction of the bargain as had been proposed by his hon. friend, the member for the Tower Hamlets. Still he could not help reflecting that there was a general admission on all hands, even on the part of the Chancellor of the Exchequer himself, that the bargain was unfavourable to the public. He submitted that the House would be scarcely doing its duty, if it were to pass a vote ratifying such a bargain without fuller investigation. He certainly thought that the Bank of England, as a bank of issue, was useful as a national establishment, and the Bank ought not to compromise its popularity by making a hard bargain with the public, or by doing anything likely to give rise to the opinion that it was overpaid for its services. It was, however, contended, that the Bank was overpaid, and that this bargain, though it reduced the sum to be paid to the Bank, still left it more than, in common justice, ought to be paid to it. Might not the general notion, that the Bank was overpaid, increase the unpopularity to which it was liable, from having the management of the currency of the country? If the Bank, in consequence of the prevalence of such a notion, should become decidedly unpopular, might not that very circumstance lead to the loss of its property, at the very time when that loss would be most prejudicial? He wished that the House should forthwith institute an investigation, for such an investigation would lay open the principles on which a fair bargain could be formed, and by doing so, would enable the House to come to a better understanding of this question than it had at present. The great profits of the Bank had been alluded to. No doubt they were great; and though all that had been stated on that subject by an hon. Member might not be borne out by the facts, it was certain that the Bank made large profits from sources independent of its connexion with the Government; but it still must be borne in mind, that one of its chief sources of profit arose from its monopoly as a bank of issue in the metropolis. All these matters would be fair subjects of inquiry; and if that inquiry had no other result, it would be of considerable advantage in satisfying the country, that that House had done its duty in seeing that the public had the best terms which could be made.

Mr. *Matthias Attwood* felt very strongly upon this subject, as he did upon many others; but that strong feeling had reference to the interest of the public, without any regard to political prejudice. He considered, that the soundest principles of political economy had been sacrificed by the Government in the bargain which they had made with the Bank, and as such it could never meet with his approbation. Every one knew, that the distress of the public was now very great, that it was very generally complained of; and yet his Majesty's Government, while accusing their predecessors in office with a disregard to economy in the management of the public business, were sacrificing some hundreds of thousands of pounds a-year in favour of the Bank, and against the public interest. The Government should not pay the Bank while granting a renewal of the Bank Charter, but the Bank should pay the Government, ay, and liberally too, for the exclusive privileges with which they were to be invested. The country, at present, was in a state of considerable distress, and it was the duty of the Government, in every bargain which they made, whether with the Bank, or any other body of persons, to deal with them on the most economical terms for the public interest. This principle should be looked to in every case, whether in a dealing with the Bank, or in reference to the amount of salary enjoyed by the right hon. Gentleman (Mr. P. Thomson) himself. He was very desirous, that his Majesty's Government should delay the further consideration of this great question till the next Session. The delay could not lead to any unjust or improper excitement; on the contrary, it would afford time for deliberation and discussion, and it would enable this House, as the guardian of the resources of the country, to give the whole subject the best and most ma-

ture consideration. The policy of the Governments in 1780 and 1800 was widely different from that pursued by the present Government, and most decidedly more advantageous for the interests of the public. At these periods the Bank managed the business of the Government at a rate comparatively cheap to that which the Government now proposed; and yet the present Government had assumed to themselves the merit of being more economical than any other Government which had preceded them. The right hon. Gentleman (Mr. Poulett Thomson) had expressly admitted, that the best bargain which could be made by the Government with the Bank had not been made. The right hon. Gentleman had certainly said, that the bargain was not as good as could have been made under other circumstances. ["*No, no.*"] That was, undoubtedly, the impression upon his mind as to the effect of the observations of the right hon. Gentleman. The truth should be ascertained upon this, like every other subject, before the House was called upon to legislate, and before it was called upon to sanction a bargain which he thought to be most improvident. He was also satisfied, that if the Government had acted with more dexterity, he should rather have said with more discrimination and discretion, they might have made a much better bargain with the Bank. The truth appeared to be, that the noble Lord (Lord Althorp) was overreached, and that he had thus been induced to make so bad a bargain with the Bank. If the noble Lord would consent to delay the consideration of this question, he might be able to retrieve his error and confer benefit upon the country. In short, the House would neglect its duty if they did not call for inquiry into this subject.

Lord *Althorp* was sure that the expressions used by the hon. member for Whitehaven (Mr. Matthias Attwood) were meant only to apply to his political conduct; and unless he felt that it was otherwise, he should not think them matters of comment. He was not at all surprised at the use of strong terms by the hon. Member on this occasion. He was strongly opposed to the two bodies engaged in this bargain. He was strongly opposed to the Government, and therefore naturally enough found fault with all its measures; and he was also opposed to the Bank Directors, whom he believed to be the cause of so much injury to the country by the course they adopted. It was no wonder, then, that he should feel and speak strongly; and he was sure that what the hon. Member had said arose from those combined feelings, and not from any wish to annoy him. Now, as to his giving way to the terms of the Bank, he would again beg of hon. Members to consider what would be the consequence if the Government had held out, and refused the terms offered by the Bank. A contest and competition would immediately arise between the monied interest of the city and the Bank, the result of which, under such circumstances, must be, that the Bank would give way; but what was to become of our commercial and monied concerns while such a contest was going on? He was convinced, that such a contest would be productive of most serious injuries, and therefore he gave way, because he felt—and he had felt it from the first—that the Bank would not consent to the terms offered by the Government. It had been stated, that he had not waited long enough. If hon. Gentlemen looked to the dates of his correspondence with the Bank Directors, they would see, that a considerable interval elapsed between the date of his first letter and of his last, and that he held out until he was fully convinced that the Bank would not agree to his terms. It was said, that if a Committee were now appointed, it would not sit more than a few days. What guarantee was there for that? In the former Committee upon the Bank Charter it never was contemplated that the terms of the bargain between the Bank and the Government were to be regulated by that or by any other Committee. That, it was understood, was to be left to the responsibility of the Government. Indeed he could not imagine any less satisfactory way, or one less likely to be effective, than a negotiation between the Bank and a Select Committee. The precedent would, in his opinion, be an extremely bad one; and unless hon. Members were perfectly certain of obtaining a much better bargain by the intervention of a Committee, he thought the wisest course would be to adopt the bargain made by Government, and to censure the men who made it.

Mr. *Lyall* was opposed to the appointment of the Committee, which, in a commercial point of view, he thought would be injurious to the country. Much stress

had been laid on the fact that in the present rate of interest on money, when discounts might be obtained at three or two-and-a-half per cent, it was no boon to the Government to have the loan of 10,000,000*l.* or 11,000,000*l.* at three per cent. That might be true in the abstract now; but it was a boon when the loan was made. Even, supposing it to be now made for the first time, as it would be admitted that it was no slight inconvenience to have a large mass of capital locked up for a number of years, he must say, that he knew of no capitalist in the City who would consent to have a large sum of money locked up beyond his control for three per cent. He was sure it would not be done for less than four per cent. When hon. Members talked of an active competition of capitalists against the Bank, he must be allowed to say, as having some acquaintance with the City, that he did not believe that 10,000,000*l.* could be obtained in the City for such a purpose. He had conversed with many persons in the city on the subject of the terms offered by the Bank and accepted by the Government, and he had, in almost every instance, heard them spoken of as very fair and reasonable, until within these few days, when some new light seemed to have burst in on men's minds on the subject. He thought that the appointment of a Committee would occasion great delay and inconvenience. Under all these circumstances he should, as a Representative for the City of London, oppose the Amendment, and give his cordial support to the proposition of the noble Lord.

Mr. *Clay* replied. Not one word had been said which could be regarded as a reply to what he had stated. He repeated, that the whole of the Bank papers which he had referred to, and on which he had rested his case, were gross delusions. He had withdrawn his proposition, because he was informed that it would be more fair to refer his statements to a Committee, than to call on the House for an instant decision on those statements. If the noble Lord had insisted on the terms he at first proposed, he was convinced the Bank would have yielded, or if it had not yielded, the Government would have got the money to pay off the Bank in one week [" *One day.*"] He thought better of the House and of the country than to imagine that the Bank must be obeyed. He had established grounds which showed that the House ought not, and could not, in justice to its constituents, confirm the bargain made with the Bank without further inquiry. It was desirable that the Committee should understand the precise question on which it was about to divide. The hon. member for Whitehaven having proposed that a Select Committee be appointed to consider the subject, he (Mr. Clay) had withdrawn his Resolution in favour of that hon. Member's Motion; but the noble Lord (Lord Althorp) stated, that the forms of the House prevented that Motion from being entertained in the present stage of their proceedings, inasmuch as a Select Committee could not be appointed in Committee of the whole House, therefore it became necessary, with a view to bring the Amendment under consideration, to move that the Chairman do leave the Chair. On that Motion the Committee was about to divide; and if it were carried, the appointment of a Select Committee could then be brought before the House.

Lord *John Russell* wished to ask, whether it was intended to appoint a Select Committee to take the place of the Chancellor of the Exchequer, and make a bargain with the Bank of England, or was it intended that the Committee should lay down the rules and conditions which were to bind the Chancellor of the Exchequer in his negotiation with the Bank—he reporting from time to time the state of the negotiation, and referring to the Committee for further instructions—or was it intended that the Committee should come to a Resolution to set aside the bargain made by the Chancellor of the Exchequer, and see that the Chancellor of the Exchequer made a bargain according to the wishes of the Gentlemen] opposite? He wished to know what was intended, because this was an entirely new precedent, and a precedent which they might expect would have high and important consequences on their future proceedings. He felt that it was necessary that the House should know distinctly what was really proposed, as this precedent would be of importance even in its constitutional bearings.

Mr. *Wason* supported the Motion for a Committee, but amidst so much noise, that it was not possible to make out what the hon. Member said.

Mr. *Matthias Attwood*, in reply to Lord John Russell's question, whether it were intended to usurp the functions of the Chancellor of the Exchequer, said that the object of the Motion was to call on the noble Lord (the Chancellor of the Exchequer) to form a Committee to consider of the whole of the terms for remunerating the Bank on the renewal of the Charter. He wished to know in what such a Committee differed from the Committees that were continually appointed to investigate accounts, and appointments, and salaries, and all other things?

Colonel *Torrens* said, that the noble Lord had asked, whether the House of Commons meant to usurp the functions of the Chancellor of the Exchequer? He would answer that question by asking another. Did the noble Lord the Chancellor of the Exchequer mean to usurp the functions of that House, and make a bargain which that House would not have the power to alter?

The Committee divided on the Motion, that the Chairman do report progress: Ayes 88; Noes 176 — Majority 88.

The Resolution was agreed to; as were the 5th and 7th Resolutions.

The House resumed.

List of the AYES.

Aglionby, H. A.	Gully, J.
Attwood, M.	Harvey, D. W.
Baillie, J. E.	Hawkins, J. H.
Baldwin, Dr.	Handley, Major
Barry, G. S.	Heathcote, J.
Bewes, T.	Hodgson, J.
Blake, Sir F.	Houldsworth, T.
Briggs, R.	Hughes, W. H.
Brocklehurst, J.	Hutt, W.
Bowes, J.	Hyatt, W. H.
Cayley, E. S.	James, W.
Chaplin, Colonel	Jervis, J.
Clayton, Colonel	Irton, S.
Clay, W.	Langton, Colonel
Cornish, J.	Lister, E.
Chetwynd, W. F.	Lloyd, J. H.
Dashwood, G. H.	Lowther, Colonel
Darlington, Lord	Methuen, P.
Duffield, T	Marshall, J.
Ellis, W.	Molesworth, Sir
Evans, G.	O'Brien, C.
Ewing, J.	O'Connell, D.
Ewart, W.	O'Connell, M.
Fenton, J.	O'Connell, J.
Fielden, J.	O'Dwyer, A. C.
Galway, J. W.	Oliphant, L.
Gaskell, D.	Ord, W. H.
Gillon, W. D.	Oswald, R.
Gore, M.	Palmer, C. F.
Grote, G.	Palmer, R.
Guest, J. J.	Palmer, General
Parnell, Sir H.	Strutt, E.
Parker, Sir H.	Talbot, J.
Pigot, R.	Todd, R
Potter, R.	Torrens, Colonel
Poulter, J. S.	Tynte, C. J. K.
Rippon, C.	Vigors, N. A.
Roebuck, J. A.	Wallace, R.
Romilly, J.	Walter, J.
Romilly, E.	Warburton, H.
Ronayne, D.	Wason, R.
Ruthven, E. S.	Whalley, Sir S. B.
Ruthven, E.	Williams, Colonel
Scrope, P.	Yelverton, Hn. W. H.
Stanley, E.	Young, G. F.
Stavely, T. K.	

BURGH POLICE (SCOTLAND).] The House resolved itself into a Committee on the Scotch Burghs Police Bill,

On the first Clause being read,

Mr. *Gillon* moved as an Amendment to that part of the clause which enacts that the boundaries of the Burghs for the purposes of this Act should be the same as those fixed by the Reform of Parliament Act a proviso to the effect that the ancient and known limits of the burgh if extending beyond those boundaries should be adopted. In the case of the borough of Hamilton, the inhabitants had a great hardship to complain of, for the Commissioners under the Reform Act had so fixed the boundaries as to exclude the Palace of Hamilton; yet at the time it was distinctly declared that that limitation was only to be for the purposes of the Reform Act, and not by any means to apply to any future local assessments. That Palace would have all the benefits of the police of the burghs and be at none of the expense.

Upon this Amendment the Committee divided: Ayes 27; Noes 75;—Majority 48.

Mr. *Gillon*: As the Committee would not consent to the general Amendment he had proposed; he would move one to meet the particular case of Hamilton. The hon. Member accordingly moved "That the ancient boundary of Hamilton be the boundary for the purposes of this Act so far as it extends beyond the boundary prescribed by the Reform Act."

The Committee again divided: Ayes 25; Noes 42:—Majority 17.

The Bill went through the Committee and the Ho se resumed.

List of the AYES.

ENGLAND.	
Aglionby, H. A.	Dykes, F. L. B.
Attwood, T.	Evans, Col.
	Grote, G.

Guest, J. J.
Hardinge, Sir H.
Harland, W. C.
Jervis, J.
Lowther, Col.
Molesworth, Sir W.
Pryse, P.
Walter, J.
Wason, R.
Wood, Alderman
Young, G. F.

SCOTLAND.

Hay, Sir J.
Maxwell, Sir J.
Oswald, R.
Pringle, R.
Wallace, R.

IRELAND.

O'Dwyer, A. C.
Ronayne, D.
Ruthven, E.
Vigors, N. A.

TELLER.

Gillon, W. D.

HOUSE OF LORDS,
Thursday, July 4, 1833.

MINUTES.] Petitions presented. By Earl GREY, from Westminster, against the present Restrictions on Dramatic Representations.

THE THELLUSSON PROPERTY.] Lord *Lyndhurst* rose to propose to their Lordships the first reading of a Bill for the purpose of applying a remedy to an act of great cruelty and injustice. The act to which he alluded was the disposition made of his property by the will of Mr. Thellusson. He conceived that there could be no more effectual mode of drawing their Lordships' attention to the subject than by laying before them a simple, but which, no doubt, would appear to their Lordships an astounding statement, of the facts of this case. Their Lordships would be surprised to hear what already the taxed costs in the Court of Chancery in this case had been; they amounted to no less than 100,000*l.*; and before the term at which the final disposition of this property could be made would expire, they would amount, if the present system were continued, to no less than between 200,000*l.* and 300,000*l.*, exclusive of the interest upon the advance of the money paid. If he were to calculate that interest upon the principle of an accumulating fund, the taxed costs in the Court of Chancery alone would amount at the termination of the period he had mentioned to the enormous sum of 500,000*l.* The terms of Mr. Thellusson's will were well known. It was a will founded upon selfish vanity, the object of it being at a future, though remote period, to identify the name of the testator with great, indeed with matchless wealth. The other expenses which had been incurred, added to the taxed costs in the Court of Chancery, amounted to no less than 176,336*l.* 4*s.* 8*d.* His object was, to bring in a Bill to remedy the evils generated by such an unjust and preposterous disposition of a property. In consequence of the expenses he had already stated, the accumulation of the property, though thirty-five years had elapsed since the death of the testator, had been literally nothing, and that accumulation might still have to go on for ninety years to come. In the year 1803, shortly after the will of Mr. Thellusson had been established by a decision of their Lordships, the gross income of his property amounted to 23,959*l.* 12*s.* 6*d.* In the year 1832, only ten months ago, after twenty-nine years of accumulation, it only amounted to 24,165*l.* 5*s.* 10*d.*, being an addition of merely 400*l.* or 500*l.* to the annual income in the course of that period. The expense attendant upon the conversion of the testator's personal into real property, with the aid of the Court of Chancery, and the expensive machinery connected with it, together with the expenses of management and of investment, had diminished the accumulation to the amount he had stated. Their Lordships would perceive, from the returns on this subject, now on their Table, what had been the actual effect of this will. The noble Lord read some returns confirming the statement he had just made, that the accumulation of the property was very little, owing to the power which the noble Lord said was possessed by the Court of Chancery to arrest such accumulations. One grievous effect of this will was, that the heads of this family were at present in a state of great distress, and that it was out of their power to support or educate their children in a manner suitable to their rank and condition in life. This was the most wanton disposition of property that was perhaps on record. That there should be no future disposition of a similar description had been already provided by a special Act of Parliament. This case, then, stood as an insulated one, as one without analogy, and they might deal with it as such, without any apprehension that their decision in this instance could possibly be drawn into a precedent hereafter in cases of a different character and description. It appeared, from the return to which he had already referred, that the annual amount of the accumulating income was 11,078*l.* 11*s.* 3*d.*, the difference between that sum and the sum of 24,165*l.* 5*s.* 10*d.* being absorbed in the expenses of the

management of the estate, and in the expenses incurred in the Court of Chancery. This return their Lordships would see was made out upon an average of the last twelve years. The whole of those expenses, incurred to a great extent for mere purposes of form, were entirely lost to the family of the testator. He was anxious that that fund should be made available for the relief of the distresses of the family. He proposed to effect that object by the adoption of a simple course. He had already stated, that the accumulating income amounted to 11,078*l.* 11*s.* 7*d.* a-year, and there was no reason for believing that that sum would in future ever be increased, if the present system of management should be adhered to. He proposed, in the Bill which he was about to lay before their Lordships, that, under the direction of the Court of Chancery, with security given, sufficient to satisfy the Lord Chancellor, a lease should be granted of those estates to the head of the family, to manage for the benefit of the parties concerned. He proposed, that the lease should be framed under the direction of the Court of Chancery, with all the proper covenants, guards, and restrictions, that might be deemed necessary. The result would be, that the sums which were already spent for the purposes of investment, and for the purposes of mere form in the Court of Chancery, would be applied to the support of the family. There was a subordinate part of the Bill to which he would for a moment advert. The family were, of course, interested in the selection of the estates to be purchased by the accumulating fund. He proposed in this Bill, that a power should be invested in them, subject to the correction and control of the Court of Chancery, to select the counties and districts in which those estates should be purchased. Such was the outline of the Bill which he was about to lay before their Lordships, and which, he was sure, if their Lordships should find it consistent with their duty to support it, they would derive great gratification from allowing it to pass into a law. According to the statement he had made—a statement borne out by the return on their Lordships' Table—the arrangement which he proposed would, while it did not affect the ultimate accumulation of the property, confer a great benefit upon the existing, without at all injuring a future generation. He might be asked, if the members of the family had given their assent to this measure. In reply, he had to say, that every adult member of the family was most anxious that this arrangement should be made, and, before the second reading of this Bill should come on, he would present to their Lordships a petition signed by the members of the family, anxiously praying their Lordships to pass it. He did not imagine that there would be any opposition offered from any quarter to such a measure of justice. He was sure, that the trustees would not allow any private interests of their own to stand in the way of its passing, and though he might be told that, in the event of a certain contingency, the whole of this property might vest in the Crown for the benefit of the public, yet he was confident, seeing the liberality of principle upon which the noble Earl opposite had uniformly acted, that no opposition would be offered by him on the part of the Crown to this measure. The measure he now submitted to their Lordships was intended to repair, as far as that was possible, one of the greatest acts of injustice that had ever been committed. The noble Lord concluded by presenting the Bill, and moving that it be read a first time.

The *Lord Chancellor*, in seconding the Motion, said, that he entirely concurred in all that had fallen fron his noble and learned friend on the subject, and he heartily wished that the measure should meet with the concurrence of their Lordships.

The Earl of *Shaftesbury* reminded his noble and learned friend, that this being a private Bill, it would be necessary, not only before reading it a first time, but before it could be brought in, to suspend two of the standing orders relating to private Bills, for which notice must be given.

Lord *Lyndhurst* would, with permission of the House, withdraw the Bill, and give notice, that he would move the suspension of the Standing Orders in question tomorrow.

Bill withdrawn.

HOUSE OF COMMONS,

Thursday, July 4, 1833.

MINUTES.] Papers ordered. On the Motion of Colonel EVANS, an Account of the Number of Electors who Polled at the Last General Election, throughout the

United Kingdom.—On the Motion of Colonel WILLIAMS, Copies of the Religious Tests required by the Universities of Oxford and Cambridge.—On the Motion of Mr. VERNON SMITH, an Humble Address was ordered to be presented to his Majesty, praying his Majesty to appoint a Commission to Inquire into the State of Municipal Corporations in England and Wales.

Bills. Read a second time:—Merchant Seamen's Wages.

Petitions presented. By Colonel EVANS, from a Public Meeting at the Crown and Anchor, for an Inquiry into the Conduct of the Home Department, and the Police, relative to the Calthorpe Street Meeting.—By Mr. TOOKE, from Truro; Mr. WILKS, from Lewis; Mr. HURST, from Horsham; and Mr. WIGNEY, from Brighton, for a Charter to the London University.

BUSINESS OF THE HOUSE.] Lord *Althorp* rose and said, it was the understood intention of the House to proceed that morning (at the twelve o'clock sitting) with that important measure, the Irish Church Temporalities' Bill. Hon. Gentlemen, he thought, would agree with him, that it was necessary to devote the mornings, excepting only two days reserved for petitions, to the business actually in a state of progress, in order that the labours of the Session might be finished in moderate time. He would suggest, that these morning sittings should be confined solely to the Orders of the Day, and the passing of Bills, that not only might the public business proceed more rapidly, but such Gentlemen as had Bills in charge might be enabled to prosecute their completion. He would suggest, that that day should be appropriated, as was appointed, to the Irish Church Temporalities' Bill.

Mr. *Wynn* was sure it was the duty of every Member to afford every facility to the progress of public business. Whether hon. Members agreed to the measures to be brought forward or not, all must agree, that it was of the highest importance that every means should be adopted which were calculated either to carry those measures through, or to have them rejected. A new proposition was now brought forward; and would it not be proper and necessary, that upon the days on which the public business was to be taken at twelve o'Clock, the sittings of the Committees should be suspended? Whatever the measures might be, it would be extremely unsatisfactory to have them disposed of, while hon. Members were necessarily engaged with other public business? They were now at the usual period at which the Session closed, and yet there were three of the greatest questions to be considered which had ever come before the House, and upon which Bills had not yet even been introduced—namely, the Bank Charter, the East-India, and the West-India question. He (Mr. Wynn) thought, that if the Government would consent to consider those different measures one by one, and carry the one commenced to a termination, before they began another, they might get through the business sooner, and with greater satisfaction to themselves. But if hon. Members were to come down to the House, as at present, without knowing which of the measures was to be brought forward, they could not possibly be prepared for the discussion; and the business would ultimately be delayed instead of accelerated by the present plan. He would, therefore, propose to the noble Lord, that the sittings of Committees should be suspended on those days.

Lord *Althorp* entirely concurred with what had fallen from his right hon. friend. He had thought, at the commencement of the Session, that that would be the best system to adopt, although it had certainly not been attended to hitherto. It was the system by which business was the most likely to be got through; and he would assure the House, that hereafter one subject should be taken up, and that that should be gone through with, as far as was practicable, before any other question of importance was touched.

Mr. *O'Connell* was sure, that had the noble Lord been really of opinion, at the commencement of the Session, that the system now proposed would have been the most desirable, it would not have been objected to by the House. Indeed, he remembered, that when the Irish Coercion Bill was brought in, the Irish Church Bill was introduced at the same time, and it was said, that the latter was to be carried forward, *pari passu*, with the former. Hon. Members, however, soon found that exclusive attention was given to the Coercion Bill, until it was carried into a law, while the Church Bill was allowed to go, he might say, entirely to sleep. Still he hailed the present proposition as the beginning of an era, when a sounder system was to commence than that which had hitherto been acted upon. It had been only a system of scrambling night-work—an effort to see whose physical strength was the greatest, and would endure the longest. Now, however, they were about to begin business at ten or eleven o'clock, when all other properly constituted bodies

did begin their work, and that system should have all the assistance to maintain it which it was in his power to afford.

Sir *Robert Inglis* did not think, that the system now proposed would either facilitate the progress of business, or shorten the Session, or enable the House to break up any earlier of an evening.

CHURCH TEMPORALITIES (IRELAND) BILL.] On the 3rd Clause, relative to the appointment of the Commissioners, being read,

Mr. *Lloyd* moved the insertion in the clause of the words "not in holy orders." There were the two Archbishops, and four Bishops, already appointed by the Bill in addition to the Lord Chancellor and the Lord Chief Justice, so that, even were the other three to be laymen, there would still be a majority of ecclesiastics.

Lord *Althorp* could not agree with the Amendment. He did not see, that a person in holy orders should be disqualified. It would, in his opinion, be better that the choice should be left in the discretion of the Crown.

Sir *Robert Peel* thought they had not yet come to the time when the House would say, that ecclesiastics should not be appointed to a Board that was to deal with ecclesiastical matters. There were here six of the Commissioners already appointed by the Crown—he would suggest that the other three should be elected by the Bishops—that plan was now pursued in the lay appointments to the Board of First Fruits.

Mr. *Sheil* thought the House ought to bear in mind what the Commission might eventually have to do. In case there was a surplus, the Parliament had not yet determined what was to be done with it—it had not been determined that it should be applied to purposes exclusively ecclesiastic. If the surplus was to be applied to temporal purposes, he would ask whether it was not reasonable that there should be temporal Commissioners for applying the fund to temporal purposes. Why should it be left entirely to clerical? In his opinion, there should be the check of lay Commissioners, and he, therefore, thought it the duty of the hon. Gentleman to insist upon his Amendment, even to a division.

Lord *Althorp* thought there was very little chance of all the three Gentlemen being clergymen. On this point, the Crown ought to have unrestricted power.

Sir *Samuel Whalley* thought, considering the very extensive powers which, under the 68th, 69th, and 71st clauses of the Bill, were vested in the Commissioners, to deal with any surplus fund which might come to their hands, in the building of glebe houses and additional churches, and in the increase of small livings, as in this respect, a duty of a very delicate nature would devolve on them, it was very desirable, in order to raise them above a suspicion, that there should at least be some laymen in the Commission, who could not be suspected of any other object than a wish to support the general interests of the Protestant religion.

Mr. *Andrew Johnston* could not approve of the constitution of this Ecclesiastical Commission. In Scotland, every matter regarding the interests of the Church itself was regulated by the Ecclesiastical Courts, but when the temporalities were concerned, they then came to the supreme civil court, where justice was dispensed. At present the power of the Crown was so extensive under this Bill, that the nomination of the Commissioners might just as well be at once vested in the right hon. Secretary for Ireland.

Mr. *Lloyd* did not contend, that ecclesiastical persons were incompetent to the proper discharge of the functions which the Commission would impose; but in order to obviate the possibility of a suspicion, that a not illaudable, but indiscreet zeal might be exercised by the ecclesiastical members; and at the same time, to secure the independence of the Board, it would be proper that laymen should be eligible.

The Committee divided on the proposition—Ayes 47; Noes 149: Majority 102.

On coming to the 50th Clause, which stated, that the revenues of the Archbishop of Armagh and Bishop of Derry exceeded the others, and should, therefore, certainly be reduced,

Sir *Robert Inglis* objected to it as establishing a most pernicious principle. If the House passed it, then how could they refuse to entertain such a motion as this, if he were to bring it forward—"Whereas, the revenues of the Dukes of Sutherland and Cleveland, far exceed those of other Dukes"—[the conclusion of the sentence was drowned in cries of "Oh, oh!"]

Mr. *William Evans* thought the income of the Bishops of Ireland was much too large for their duty, and that the diminution of their wealth and splendour, would

not produce a diminution in their efficacy or respect. In the notice which he had given, he had intended to have proposed that the income of the future Bishops of Derry should be reduced to 5,000*l.* a-year. Since that period, however, he had been induced by several Gentlemen to alter that sum to 6,000*l.* a-year. The incomes of the Bishops of Kilmore, Cashel, and Tuam, were, in his opinion, too large; but he did not feel himself competent to take up so great a subject as dealing with them. He should, therefore, move that an addition be made to the clause, to the effect that the income of all future Bishops of Derry should be reduced to 6,000*l.* a-year. He thought there was no hon. Member who would not join with him in thinking that sum quite adequate.

Lord *Althorp* remarked, that although it was undoubtedly true, that the present Bishop of Derry had accepted that see, upon the understanding that it was to be subject to any deductions that might be decided upon, without any limit whatever, yet, in his opinion, upon the construction of that understanding, it would not be expedient that he should be placed in a worse situation as Bishop of Derry than he was as Bishop of Killaloe. He did not object to the proposition of his hon. friend, as he had now brought it forward, but he should have given his decided opposition to it, if its effect had been to place the Bishop of Derry in the situation to which he had alluded.

Mr. *Sheil* said, he did not rise to make any objection to the present Bishop of Derry retaining double the income he enjoyed as Bishop of Killaloe. They were at once adopting the example of reducing the salaries of the Bishops; but were they aware that, while they were diminishing their revenues, they were doubling their patronage? For example, they were combining Raphoe with Derry, and, at the same time, throwing the whole of the patronage of the former into the latter, for the purpose of compensating for the reduction of the salaries. It was much better, when they had merged one bishopric into another, that instead of extending the patronage, they should convey it at once to the Crown—or even to the Commissioners. He particularly called the attention of the House to that fact. This was a Church reform, and yet the patronage of Bishops in Ireland was doubled by it. Besides, the reduction of salary was founded on the present actual salary, and not on the real duties to be performed. If 4,000*l.* was enough for A, why should B receive 5,000*l.*, and C 8,000*l.*? There was no fair adjustment, no proportion in the case; and, condemning the augmentation of patronage, the reduction of revenue was far from meeting the justice of the case, so that the real nuisance, or abuse, was substantially untouched. He declared his intention, on the third reading of the Bill, to bring up a clause by way of rider for reducing the salaries of the Irish Bishops.

Mr. *O'Connell* said, he should resist the reduction of the Bishop of Derry's income, because he was the only Bishop who had advocated the cause of religious liberty, when he (Mr. O'Connell) was advocating the cause of Catholic emancipation; and he knew that the people of Ireland would not desire such reduction. He should certainly oppose its reduction below that of the Archbishop of Armagh.

Sir *Robert Inglis* said, that the benefits derived by the Bishops were in the nature of income, and that was different from salary in a legislative sense; and therefore it could not be dealt with, as the hon. member for Tipperary (Mr. Sheil) seemed to think it could be.

It being three o'clock, and several Members rising to speak, the further proceedings were adjourned.

London University Charter.] Mr. *Tooke* said, the Motion which I have now the pleasure to submit to the House is one which, I am persuaded, will enlist in its support every feeling of liberal regard for the entire community of England. It is the first step towards breaking down an odious monopoly, by affording permanent encouragement to universal and cheap education; and whatever advantages may attend cheap law, cheap religion, and cheap government—and no one is less disposed to undervalue them than myself they will be the necessary result of cheap education; and it is really—to adopt a homely adage—placing the cart before the horse, to bestow privileges upon men until they are rendered capable of appreciating their value, and of submitting to their wholesome moral influence and restraints. It would be worse than nugatory to occupy the time of the House by entering on any detailed account of the origin and progress of the University of London. Suffice it to say, that its foundation was the spon-

taneous effort of a generous public, put in action by some great and good men, with each of whom, in his high musings for the public good, the plan may be said to have originated. In 1825, the sum of 160,000*l.* having been raised by voluntary subscription, a noble edifice was erected, and has in chief part been completed, The plan of instruction then commenced. and having gone through the inevitable process attaching to infant establishments, of struggle and detraction, of internal schism and external persecution, has, I may confidently assert, settled into perfect union and consequent utility. A body of professors, not to be excelled in Europe for talent and for character, have the entire conduct of the discipline and literary, and scientific portion of the establishment; while a superintending council of distinguished laymen has delegated to a small Committee the financial and business details, between whom and the professors the utmost harmony prevails. By way of steady supply of pupils in all the classes, a junior school has been established within the walls of the University, which is conducted to the entire satisfaction of the public; and in aid of the medical students a hospital is now building by voluntary subscription, which is calculated by the facilities for clinical lectures, and the practical information it will afford to the medical class, to constitute the metropolis the first school of medicine in the United Kingdom, if not in the world. Early in the progress of the University, the necessity of a Charter was contemplated, for the purpose of giving legal protection and permanency to the institution; an instruction to that effect is contained in the deed of settlement, and, therefore, so long ago as 1830, a Charter was applied for, on a petition of the Duke of Somerset, Mr. John Smith, and Doctor Lushington. The draft of the Charter was approved by the then Attorney and Solicitor General; it was ingrossed, and went through all but the last sanction of the Great Seal, at an actual expense in fees of 268*l.*, and when thus on the threshold of completion, it was stopped by a private application on the part of the Chancellor of Oxford, and by the more public course of a Petition from the University of Cambridge, to both which learned bodies, according to customary practice, notice of the application had been given, as well as to all the other Chartered Universities of the United Kingdom, and, as I have before stated, the only opponents were Oxford and Cambridge, the former requiring a restriction from conferring degrees in arts, the latter objecting to the granting of any degrees at all. It is not generally known, that no university whatever is entitled to confer degrees, by grant of any Charter whatever, the claim so to do being considered as incident to the name and title of University, and, therefore, King's College, although it has a Charter, can at present claim no such right; the name is consequently the sole matter in dispute, the University of London praying to be incorporated as such, subject to no other restriction than as against granting degrees in divinity, but wholly unfettered in all other departments of literature, science, and the arts. There can be no pretences for Oxford and Cambridge insisting on a monopoly, which they only possess in common with Dublin and the Scotch Universities. The privilege now claimed is purely honorary, as no legal rights attach to it; the qualifications in medicine and for abridging time both for the Bar and admission as solicitors, are by several Acts of Parliament limited by name to Oxford and to Cambridge, and who will still, therefore, for the present, retain those and many other exclusive rights and exemptions, provided for by Acts of Parliament; there is no pretence, therefore, for their interfering with the creation of a new theatre, for the noblest emulation of youth, seeking honorary distinctions, and depending only on merit for a reward. I trust that the better spirits of Oxford and of Cambridge, those who have so liberally distinguished themselves in the last and the present year, by entertaining in their walls the assembled science and literature of the kingdom, cannot be parties to this conspiracy against the extension of that knowledge they have thus professed to honour. Let us believe that they have reluctantly acted under the influence of some ancient statute, and will be well pleased with their defeat. At all events, defeated they will be. It is impossible that a Legislature, which has, to its immortal credit, in this, its first Session, granted the rights of conscience and immunity separately to various classes of fellow-subjects, whether Roman Catholics, Quakers, Moravians, Separatists, or Jews, will refuse to them and every other sect and denomination collectively the sacred

right of acquiring knowledge, and competing with their hitherto more favoured fellow-citizens, for the honours and the advantages which should attend a successful issue of that competition, the high prizes due to intellectual eminence. The whole dissenting community of England is now altogether precluded from academic honours, if not academic education, which may, it is true, be obtained at Cambridge, but leading to no result. Even, under this disadvantage, the dissenting youth have eminently distinguished themselves; and what may not be expected when the monopoly shall have been broken down, and all admitted into generous competition? I will not—I cannot—anticipate any objection on the score of merits, there really being none; the only point, therefore, that can be alleged is mere matter of supposed form—namely, that the question is one that should be determined by the King in Council, or argued before the Chancellor, for there appears no certain course of proceeding on these occasions of mere honorary distinction; and, indeed, it is difficult to conceive how any one should presume thus to circumscribe the Royal prerogative in its most beneficial exercise. When a Charter was granted to the Asiatic Society, it was unsuccessfully opposed by the Linnean Society; and more recently on the grant of a Charter to the Royal Society of Literature, Sir Humphry Davy objecting to the title, I met him in amicable controversy before the then Attorney and Solicitor General, who instantly over-ruled the objection. In the present instance, Oxford and Cambridge peremptorily declined the discussion. I then gave a long notice of this Motion, and immediately apprised them of it, and have received an answer from each Vice Chancellor, abiding by their objections. They have, as I contend, thus taken issue before this tribunal, and thus literally put themselves upon the country; and to its righteous verdict, as expressed by the House, is the appeal now made. The two learned bodies cannot say their interests will not be watched and protected here; they are well represented by four learned and hon. Members, with whom I would not venture to compete in argument, could any be adduced; or in eloquence, were any needed to perplex, rather than to refute the plain statement I have so plainly submitted to the House. Several petitions in aid of the object have been presented to the House, and the prayer will be supported by some, I am sure, of my hon. friends; and, therefore, reserving to myself, in reply, such observations as may arise out of the discussion, I leave the decision in perfect confidence to the House, with my cordial thanks for the indulgent hearing it has vouchsafed me. I move "That an humble Address be presented to his Majesty, beseeching him to grant his Royal Charter of Incorporation to the University of London, with such powers and privileges as shall appear to his Majesty to be most effectual for the encouragement of education amongst all classes of his Majesty's subjects."

Mr. *John Romilly*, in seconding the Motion of his hon. friend said, that the question was not confined to the London University alone, but had, in fact, relation to the rights of the public generally. It was because of the rights of the public which were involved in the question as to the propriety of granting this Charter that gave the subject importance in his eyes. The only point they would have to consider was, whether this institution was in a fit condition to receive the privileges for which it asked—namely, whether qualified masters had been provided for the instruction of the pupils, and if proper and suitable rules and regulations had been constituted for its government. In all these respects it was, he believed, in a situation for incorporation; and when it was known that the granting of the Charter had been formerly stopped at the eleventh hour, and that many of the members of the Government took a strong interest in the success of the establishment, the present appeal to the justice of the House would not, he hoped, be made in vain. He had certainly been surprised at the opposition which the Universities of Oxford and Cambridge had given, and, without being at all insensible to the advantages of those learned bodies, he must say, that such conduct on their part but ill assorted with that liberality of feeling which ought to distinguish them in the face of the country. It was undoubtedly true that genius was sometimes called forth by those ancient seats of learning, but it was equally as true that talent was not unfrequently stifled in them. The Universities of Oxford and Cambridge conferred no advantage whatever upon any person who did not belong to the communion of the Church of England; but ought they to shut their eyes to the propriety of allow-

ing the Dissenters, who were now a powerful and important body of intelligent and meritorious citizens, to participate at all events in some of the benefits to be derived from such institutions? He was not himself a Dissenter, but still he thought it highly impolitic to exclude any class of persons merely because of their religion from the advantages and emoluments to which a University education might entitle them. It was by no means his intention to cast any reflection on the Universities of Oxford and Cambridge, but at the same time that he admitted their vast utility he must in common honesty say, that they were constituted only for the rich, and virtually excluded the poor. This was a truth that could not be disputed by the best and most zealous friend of those establishments. The temper of the present times was opposed to monopoly of any sort; but could, he would ask, any monopoly be more odious or more injurious than a monopoly of the means of education? And such was the nature of the monopoly of the Universities. If Dissenters were excluded merely from all advantages connected with the Established Church he could understand it; but why they should be debarred from benefits which had no relation whatever with religion he certainly was at a loss to conjecture. It was undoubtedly true, that the funds of the London University were not in a very flourishing state, but that House, he submitted, had nothing whatever to do with its pecuniary affairs, the question they had to consider being simply, was it or was it not in such a situation as would enable it properly to exercise the chartered privileges to be confided to it? No allegation had been urged against the institution which could justify the Government in feeling the least alarm in granting it a Charter. The question, after all, resolved itself into this:—Should the monopoly of education be continued to the existing Universities, or should the privileges enjoyed by them be in future participated in by other establishments of a similar description? The time had arrived when it was the duty of his Majesty's Ministers to do something for insuring the blessings of education to all classes and denominations of the people, and, knowing the anxiety of his noble and learned friend at the head of the law (Lord Brougham) on this point, he must believe, that the sentiments attributed in the public prints to that noble individual, who had already done so much in favour of subjects like this, with reference to the London University, had been misunderstood. It could not be denied, that the lower classes in this country had now attained a higher degree of political power than was ever possessed by the people of any country, and this power had been so increased and fortified by the Reform Bill that it would be hopeless to think of resisting its influence. More danger, he contended, was to be apprehended from ignorance than intelligence, and, therefore, he entertained a strong desire adequately to provide for the general diffusion of knowledge.

Lord *Althorp* said, the question of a Charter was at present under the consideration of his Majesty's Government. The mere assent to the granting of a Charter was but of little consequence; the important part of the question being the terms on which the Charter should be granted. The mere granting of honorary degrees without legal honour and advantage was but of little consequence. He was one of those anxious for the success of the London University, and who thought it reflected great credit on those who founded it. After what he had stated, he would recommend the hon. Gentleman to withdraw his Motion, but at the same time, if he persisted in pressing his Motion, he could not feel himself justified in voting against it.

Mr. *Wynn* had no objection that a charter should be granted to this establishment; but still the House would do well, before they concurred in the Motion, to consider in whom the Constitution vested the power of granting it. By the Constitution, this power belonged to the King, and the question therefore was, would they not be interfering with the prerogative of the Crown, if they agreed to the present proposition? He contended that not only would such an address as the hon. Gentleman called for be an interference with the prerogative of the King, but that the Motion was in itself premature, as the matter was under the consideration of the Government. He said this without meaning any hostility to the institution, for in fact he had given some proofs of the wish which he entertained for its success. But he must at the same time join in the request made by the noble Lord, merely because he thought the Motion would operate as an improper

interference with the prerogative of the Crown.

Sir *Robert Inglis* would not have risen on this occasion if the noble Lord had placed the matter in its right light, namely, as his right hon. friend had stated, that the Motion would be an interference with the prerogative of the Crown. That was the question which *in limine* the noble Lord ought to have raised. The object of the Address proposed to be presented to the King, was that his Majesty would be pleased to grant a charter to a body which had been associated together voluntarily, and bore all the characteristics of a joint-stock company. He contended that the shares of the institution were as marketable as the shares of any other company that had been formed in the year 1825. In fact it had been one of the speculations which were set on foot during that year. If he was wrong in this he was at all events right in saying this establishment was formed in 1825. The House would recollect that in the May of that year the hon. and learned member for Winchilsea, who had since been elevated to the Woolsack, brought in a Bill for the purpose of giving a charter to this institution. It was discovered, however, that this was a private and not a public measure, and the hon. and learned Gentleman consequently withdrew his Bill. But, although he had been in that House from June, 1825, to November, 1830, five years and a half afterwards, he had never deemed it necessary to bring the subject forward, although it was in his power to have done so if he thought fit. When that Bill was introduced, the hon. and learned Gentleman expressly stated, that none of the privileges which he intended to confer on this institution, would enable it to confer degrees, or give fellowships or scholarships. He never intended that it should enjoy any privilege which could at all interfere with the two Universities; and he (Sir Robert Inglis) was of opinion, that it would be most improper to confer such privileges upon any Joint-Stock Companies, for in no other light could he regard this establishment. It was clear that the Government could have no knowledge of the doctrines that were to be taught in the London University; and, as to the granting of honorary rewards for scientific purposes, it was as much in the power of that institution to do so now as if a Charter were granted to it, as it was perfectly indifferent whether the reward was a wreath of parsley or of laurel. The object of the present Motion, however, seemed to be to acquire political privileges, and that should never have his sanction. Knowledge without religion was only a more extended means of doing mischief. It had been so for 6,000 years, and, as religious instruction was to form no part of the system of education in this institution, he was convinced that incorporating it would be attended with more evil than good. He concurred in the request that the hon. Gentleman would withdraw his Motion, but on other grounds than those stated by the noble Lord.

Mr. *Strutt* was much disappointed by finding this was not made a Government question. The nation was much disappointed that the taxes on knowledge were not repealed. The question was, not what was expedient at the time when Lord Brougham disclaimed a desire on the part of the University to grant degrees, but what was expedient at the present moment? The hon. Baronet had called the London University a Joint-Stock Company. It might be so, but it sought no profit; its only object was to diffuse the blessings of education amongst all classes. He did not wish to depreciate the two Universities, to one of which he owed much, but he thought it very objectionable that these honours should be confined only to those of the Established Church.

Mr. *Abercromby* observed, that he was an early subscriber to the London University, and he was a hearty well-wisher to it; and he utterly denied that there was anything like a bargaining speculation in the affair, or that there was any intention of starting an opposition to the established Universities. He had advocated the new establishment, because he thought it would be the means of extending the advantages of an University education to classes of persons who were now excluded from them; and also because the method was not a new experiment, but had been already practised in the portion of the empire to which he (Mr. Abercromby) belonged, and practised with distinguished success. He had no doubt that the institution would ultimately be placed in a situation which would enable it not only to hold competition with the institutions of this country of a similar nature, but with those of all Europe It had been

provided that the University should not have the power of granting any degree in theology, and he was of opinion that that provision was amply sufficient to avert any of those dangers to the Established Church, which excited the alarm of some hon. Members. He thought that a degree ought to be made a distinction, the importance of which should be estimated by the character of the University by which it was conferred. But as his Majesty's Ministers had expressed themselves favourable to conferring the powers required by the London University, he thought, upon the whole, that it would be better to withdraw the Motion at present, and to leave the matter to those who were now pledged to do something effectual upon the subject.

Mr. *Estcourt* said, he merely wished to express his total dissent from the proposition that the established institutions had any desire to preserve a monopoly of education. The best proof of that was, the successful career of the London University. He had no objection to granting Charters to the new Universities; but the great point was, what was to be the contents of these Charters?

Mr. *Tooke* said, he would very reluctantly withdraw his Motion.

Motion withdrawn.

LIVERPOOL ELECTION.] Mr. *Mark Philips* rose to propose the Motion of which he had given notice. He had no private motive in bringing forward this Motion. In a population of 200,000 in Liverpool, it appeared that there were 11,000 electors, of whom a large proportion were voters under the ancient franchise. There was still, in his opinion, a wide door left for corruption, both in the counties and the boroughs. His great anxiety was, to eradicate these practices entirely from Liverpool, and to prevent them from spreading to other boroughs. In support of the course which he was pursuing, the hon. Gentleman quoted the opinions delivered upon former occasions, of the hon. member for Montgomeryshire, and other hon. Members; and concluded by moving that a Select Committee be appointed to pursue the inquiries entered into by the Committee appointed on the 6th of March, to take into consideration the Petition presented to the House on the 21st of February, from certain inhabitants of Liverpool complaining of bribery and corruption in that borough.

Mr. *Langdale* contended, that it would be exceedingly unjust to appoint the proposed Committee unless the House were satisfied that the evidence taken before the Committee which sat two months established the fact of the existence of a gross system of extensive and systematic bribery in the borough of Liverpool. It had never been understood that the inquiries of the Committee were to be directed to the expediency of carrying the principles of which the Reform Bill was founded into further effect in the borough of Liverpool. However he might regret that when the Reform Bill was in progress, its provisions were not extended in that respect, it was certainly now too late to re-open the discussion on that point with reference to a single borough. Such being the case, and the only question for the House to consider being whether or not there existed in the evidence taken before the late Committee, a case of extensive and systematic bribery and corruption against the borough of Liverpool, he had no difficulty in saying that he did not think there existed any such case. In support of this opinion, the hon. Member entered at some length into an examination of the evidence as contained in the Report of the Committee, and maintained that it by no means bore out the allegations against the borough. For these reasons he should oppose the Motion.

Mr. *Warburton* said, it was the understanding of the House, that if, on inquiry, it should be found that the freemen of Liverpool had not repented of their corrupt practices, then a general investigation should be instituted into the whole of their past delinquencies. The Solicitor General and the noble Lord, the Chancellor of the Exchequer, expressed themselves to that effect; the latter of whom went so far as to say, that it was not intended that the Committee should confine their inquiry exclusively to the last election, but only that they should devote their attention to it in the first instance. The question, then, was, had the constituency of Liverpool reformed itself? It appeared, from the Report of the Committee, that bribery and corruption prevailed at the last election; and he believed the desire to be bribed, as far as regarded the old burgesses, was general and undiminished. The hon. Member quoted several portions of the evidence for the purpose of showing the general expectation and desire felt

by the old freemen to receive money for their votes. With this evidence before them, he did not see how the Members of that House could refuse to accede to the proposition for the re-appointment of a Committee of Inquiry. The hon. Member then read the evidence of Mr. Keyhole to prove that Mr. James Ackers and Mr. T. Horsfall, the son of the Mayor of Liverpool, had proposed to give half a day's wages to such of the old constituents of Liverpool as would receive it, to vote for Lord Sandon and Colonel Sir Howard Douglas. He contended upon the evidence of that witness, which he read at considerable length, that Mr. James Ackers had, from his own knowledge of the old constituency, calculated the purity of each of the old electors at the price of 2*s*. 6*d*. a-head. He then admitted that, though it was easy to prove the readiness of those electors to receive bribes, it was a task of more difficulty to prove that bribes had been given to them. Still no man who considered the evidence carefully, could have the slightest doubt that bribes had been given. There was the evidence of Mr. Keyhole that ribands, in which sovereigns had been wrapped up, had been furnished by Mr. Wilson, the linen-draper, to Mr. Ackers, and had been given away by Mr. Ackers to different voters. Mr. Ackers had admitted that he had given away ribands to the electors wrapped up in paper envelopes, which he had received from Mr. Wilson. Mr. Wilson might have been called to prove that those paper envelopes contained nothing but ribands. The other side, however, had not called him, and what was the inference which the House ought to draw from the non-production of Mr. Wilson? He had quoted and said enough to prove to the conviction of every unprejudiced person that the wholesale disposition of the old constituency of Liverpool to receive money, if money was offered to them, continued to exist. He would also call the attention of the House to the unremitting attention which the canvassers for Lord Sandon and Sir H. Douglas displayed in going up to the poll on the second day of the election with the old constituency, many of whom were in a state of complete intoxication. Why was this done? Because several of those electors, when the bribery oath was put to them, refused to take it, in spite of the intoxication which overpowered them. There was proof upon proof that these canvassers had pressed many of the electors—whose consciences permitted them to take money, but whose consciences were not sufficiently seared to take an oath that they had received no money—to go again to the polling-booths, and swallow the oath which they had previously rejected. This was proved by the evidence of Thomas Edwards, the bugleman, Lord Sandon, who heard a man, brought up by Lord Sandon's canvassers on the second day, say, when the bribery oath was tendered to him by Mr. Thornley's agent, "No, I'm d—d if I take it," and then leave the booth. The same witness also deposed that he heard another voter, who was brought up by two young gentlemen, declare, on having the same oath tendered to him: "No, I'll not take that oath, by God! for I have been bribed." He further deposed, that when they left the polling-booth he heard the same young gentlemen remonstrating with the man on account of his refusal to vote, when he told them, that they were more in fault than he was; that they knew he was bribed, and that it was wrong in them to bring him up to swear that he was not. The hon. Member also referred to the evidence of Dr. Thornley, the brother of the candidate, which the House would find at page 27. The evidence of this witness (which Mr. Warburton read) was to the effect that a voter, of the name of John Winwood, was brought up to vote for the conservative candidates. The bribery oath was put to him. He repeated the words of the oath till he came to the words "money or promise of money." As soon as he came to the words "promise of money," he stopped, and said, "I cannot swear to this, for I have had promise of money." John Winwood was afterwards called before the Committee to explain this circumstance, and he fairly stated to them, "I refused to take the bribery oath because I had received a promise that I should have money for my vote." After the evidence which he had read, he thought that it was impossible to deny, that he had laid before the House sufficient grounds for continuing the investigation, which had been so well commenced, into the corrupt practices so long prevalent in the borough of Liverpool. He was confident, that if such investigation were granted, the iniquities of the old constituency of Liverpool would be proved

beyond all dispute. As the electors of Liverpool had not at the last election turned away from their former iniquities, nor shown a disposition to do that which was lawful and right, he hoped that the House would inquire further into their conduct, and would, if their guilt were proved, punish them for their misdeeds.

Mr. *Houldsworth* regretted, that the hon. member for Birmingham (Mr. Attwood) was not in his place, as the evidence quoted showed, that an unrestricted paper circulation had increased the price of votes as well as of every other commodity. In the course of a few years the price had increased, according to the cases which had been cited, from 10*l.* to 40*l.*, and, in some instances, a much larger sum had been given. He believed, however, that the system had not been confined to Liverpool. The bills paid to voters in the city of York had been proved in a Court of Justice; and was it fair that Liverpool should be disfranchised, and York left untouched? In his opinion it was better to see how the Bill of the noble Lord, the Paymaster of the Forces, would work, before they commenced legislating for any particular place. He should vote against the Motion.

Mr. *Lloyd* did not agree with those who thought the House should wait and see whether the Reform Bill would put an end to corrupt proceedings at elections. The question was, whether the privileges intrusted to the freemen of Liverpool had been exercised by the constituency of that town to the public benefit, and not whether depriving them of the privilege would be prejudicial or otherwise to the freemen of Liverpool? He conceived that the measure about to be proposed stood now precisely as it did last Session, when it was postponed in consequence of the pressure of business. He believed, that the noble Lord, the Paymaster of the Forces (Lord John Russell), and the right hon. member for Montgomery (Mr. W. Wynn), then promised, that if it did not pass in that Session, the measure should have their support in the next. He thought a sufficient case had been made out for probing the matter to the bottom; and the Motion should have his cordial support.

Mr. *Nicholl* contended, that as the Report now stood no man who was acquainted with the rules of evidence in our Courts of Justice could say, that a case had been made out, or that any proof had been given of bribery beyond the amount of three guineas. One part of the proof was, that a man had received 7*s.* a-day for services performed during the election; but if cases like that were to be taken as proofs of bribery, there was no election in the country that might not be set aside. It was, he contended, cruel to drag up witnesses from Liverpool in cases of this kind. The House should consider this was not an election petition. In that case the expense would be thrown on the parties, but here it would be thrown on the public; and he would ask the House was there any case made out to show that such an expense ought to be incurred? The hon. Member contended, that whatever bribery had been proved was confined to an extremely narrow compass, and that no case of general bribery had been shown to warrant a further inquiry, or to put the country to any further expense.

Mr. *Aglionby* said, that the principal error which had been made by the hon. and learned Member who spoke last, consisted in his having overlooked the fact, that corruption could exist where no direct proof of bribery was possible. With respect to the condition of Liverpool in this respect, let him only ask the House whether it was not distinctly understood, when the Committee was appointed, that their duty was not confined to the examination of bribery cases, but extended also to the question of the corruption of the freemen of Liverpool generally? He could also refer generally to the evidence taken before the Committee, as affording strong proof in support of his opinion with respect to the corrupt state of that borough; and he considered it was imperative on the House to notice it. He begged at the same time to disclaim any connexion either with a disappointed faction in that town, or, indeed, with any person interested in the matter; his observations and his vote were solely guided by his determination to perform his duty to the public as a Member of that House, and by no other consideration whatever. He was of opinion, that, unless some further proceedings were instituted upon this report of evidence of the Committee now before the House, the whole of the inquiry up to the present moment must be looked upon as a farce; and with these views he should certainly vote for the Motion before the House.

Mr. *Milnes Gaskell* contended, that the Motion of the hon. member for Manchester, (Mr. M. Philips) not only involved the interests of the town of Liverpool, but affected the security of the elective franchise in every town throughout the Empire. He knew the unpopularity which attached to an indisposition to concede Committees of this description, but he could not concur in the opinion, that it was always the safest course to grant them, when he remembered the ruinous expense which they entailed, and the local irritation which they tended to promote. They were told, that investigation was the peculiar province of a reformed House of Commons; and he admitted that they were placed by that circumstance in a situation of considerable delicacy; but he was so far from thinking that it ought to increase their predisposition to suppose guilt, which was always too great, that he thought, on the contrary, it ought to increase their caution, and make them doubly jealous of advancing a single step in cases which were not supported by the clearest and most undeniable evidence. He characterized the petition which had been presented against the freemen as a wanton and ungenerous attack upon the part of their political opponents, and as insolent in the highest degree as regarded that House, and expressed his opinion that if any real proofs of bribery had existed, they would have shown themselves in an attempt to unseat his noble friend, (Lord Sandon). The House, too, should bear in mind that no opposition had been offered to the original appointment of the Committee, upon a distinct understanding that no further steps were to be taken, if the petitioners should fail in substantiating their allegations; and yet, in violation of this express contract, it was proposed to revive the inquiry. The success of the present Motion would be attended, in his opinion, with no one practical advantage, but would have the effect of endangering the peace of Liverpool, and of every town which was large enough to contain the elements of electioneering rancour. He should, therefore, give it his decided opposition.

Mr. *Edward Gladstone* was glad to hear some hon. Members cry "Question!" for he was bound to conclude, that those who called for the question had at least read the evidence. As it was his fortune to be intimately connected with the town of Liverpool, he was desirous of making a very few observations on the question under consideration. The facts proved before the late Committee, when contrasted with the bold and menacing accusations previously made was so ridiculously small, that he should not have the smallest apprehension as to the vote of any hon. Gentleman who had made himself acquainted with the Report, if it were not for a circumstance connected with the borough of Liverpool, which brought this question to trial under great disadvantages. He alluded to the election of 1830. The proceedings at that election were certainly sufficient to secure for the town of Liverpool an immortality of disgrace, and the recollection of the transactions connected with that election had produced a predisposition in the minds of many to give easy credence to charges against the borough of Liverpool, to which, under other circumstances, they would not be so readily disposed to listen. The disgraceful acts at that election were, however, in a great degree, attributable to an accidental combination of events, which would have produced very nearly the same results upon any constituency in England. Previously to that election, the freemen of the town of Liverpool, composed chiefly of the labouring classes, had been accustomed to vote, not under the influence of bribery, but in conformity with the example of their masters. These elections might have been carried on in a manner exceedingly to be deprecated; there might have been a considerable degree of treating; and there might have been payment of wages; but direct bribery had not prevailed extensively or systematically. It was not the moving spring of the election. In 1830, two candidates presented themselves, who entertained similar political opinions; no principle was involved; and the people of influence did not actively interfere. This left the poor freemen exposed to the offers of those who wished to tempt them, and they almost universally accepted bribes; but it was not fair to assume that they had before taken bribes, and would again take them when political feeling could have opportunity to operate. He must complain of the nature of the evidence adduced in this case, both on the score of quantity and of quality. The fact of such a witness as Elizabeth Robinson, whose name had already been mentioned, being introduced by the peti-

tioners, showed the weakness of their case. She refused, throughout her evidence, to give any names or circumstances which would have rendered it possible to put her assertions to the proof. Not only did she decline giving the names of parties, but she actually told those who brought her up to London before she left Liverpool, that she would give no names. Thus the fact of their having brought up such a witness to give such testimony, showed how destitute the petitioners must have been of any evidence more worthy of attention. It was admitted, that the quantity of cases proved was altogether trifling, and insufficient to justify any proceedings thereupon. To what suppositions then had Gentlemen resorted, in order to supply this woeful deficiency in the actual proof! In the first place it was said, that evidence could not easily be got, because the machinery of bribery and corruption was worked under ground in perfect concealment. But what proof was there of this assertion? In support of it, it was said, that applications for money and drink were made to the canvassers of Mr. Thornley. This was contradicted by the evidence on the other side, and it did not amount to the allegation of a general practice, whilst there was a circumstance which went far to explain any casual applications of that kind. It was an admitted fact, that these burgesses were generally in favour of Sir Howard Douglas; and it was common with persons of the lower classes, when solicited by adverse persons of a higher rank on these occasions, partly from bashfulness and respect to their station, and partly from a desire to get rid of their importunities, to say that they could not give any promise. There might have been some direct applications for drink, or even money, the remains of the corrupt practices of 1830; but they were exceedingly partial, and were probably, in many cases, adopted as means merely of getting rid of the importunity of a canvasser against whom they determined to vote. An hon. Member had dwelt upon the organization of the canvassers—a supposition both uncharitable and gratuitous, if it were meant to imply that the organization was for the purposes of bribery. Would the hon. Member inform him how it was possible, with 11,000 voters to canvass effectually, without organizing the canvassers almost like an army? There was one circumstance relied on by the hon. member for Bridport, as favouring the attack made upon the freemen, which, in point of fact, really made for the defence—he alluded to the proposal made in the Committee of Sir Howard Douglas and his (Mr. Gladstone's) noble friend (Lord Sandon), to give the men half a day's wages. If there had been any separate or organized machinery for the purpose of conducting the bribery of the election (which was the only hypothesis upon which gentlemen could erect their theory of the guilt of the freemen), such a proposal would never have been thus accidentally and casually made in the public and recognised committee of the candidate; so that this very circumstance showed the non-existence of that which the vigorous imaginations of hon. Members had led them to suppose. He would remind the House, that it was upon the evidence collected by the Committee on this last election, that the question of further inquiry was made altogether to depend. The question they had now to determine was, whether such a body of evidence had been collected with respect to the last election, as to warrant the assumption, that bribery and corruption did, during that election, prevail in Liverpool, either systematically or extensively. Could any man say, that such was the case? An hon. Member had quoted the evidence of several witnesses, and among others that of a man named Grogan, who said he had been an agent of Sir Howard Douglas. Now, what was the fact? He was a canvasser, and dismissed for making an extravagant charge of eleven guineas, whereas he was paid only four; and was such a man to be quoted as impartial and unexceptionable testimony? It was very important that the House should consider the remedy proposed, as well as the evil complained of. Had the punishment been inflicted for the election of 1830, at the time the hon. members—for Ipswich (Mr. Wason), and Wilts (Mr. Benett)—proposed it could not have failed to receive the approbation of every right-feeling man in the country. But what was the altered position of the case, and how had its aspect been changed by the lapse of time? These people had been permitted to exercise the functions they had so grossly abused three times, and there was now left nothing but a faint relic of the corruption of that period. A portion of the guilty it was not even proposed to touch, for the corrup-

tion of 1830 was not confined to the poor alone. It was notorious, that out of 3,000 persons bribed, a full proportion were of the higher classes of the freemen, up to the wealthier shopkeepers; so that, if any inference at all was to be drawn from that election as to the incompetency of the freemen to exercise the franchise aright, such inference must, in fairness, extend, not only to the lower order—not only to those whose rent amounted to 10*l.*,—but likewise to those who rented at 100*l.*, and to men in the best ranks of shopkeepers of the town. But these it was not proposed to punish, or to preclude from voting in the character of 10*l.* householders. Was it fair, then, upon one and the same offence, to exempt the wealthier class, and to disfranchise the poorer? But, besides, were they to let the bribers go unpunished? If there were guilt in bribery, which there undoubtedly was, both moral and political, why were the principal instruments to escape? Why should they let the bribers and those who profited most by the guilt, and who were chargeable with by far the greater share of it, escape scot-free? He did not wish to cast any imputation upon the motives of the petitioners, but he could not help observing, that when inquiry was first asked for, some of them did their utmost to stifle it; and he had seen in the paper a speech of one of these Gentlemen applauding the hon. member for Liverpool for his skill in stopping inquiry. When the hon. members for Ipswich and Wiltshire first took up the case, they were prosecutors in a just and righteous cause; but to persevere in it now invested them—he trusted he might say it without offence—with the character of persecutors. He did not mean to say, that their motives were changed, but time had wrought such an alteration in the circumstances and relations of the parties accused, that the greatest injustice might now be the result of a punishment originally just. These Gentlemen keeping their eyes fixed on the object they had had in view, might not be the first to observe the change wrought in their own position, or to discern the time when prosecution became persecution; but the House should watch that change, and see that injustice was not done even in the act of seeking to do justice. If the cases of bribery were so miserably few—if the cases of corruption, of asking for bribes, and of a disposition to receive them were equivocal, and limited to the allegations of one side, and contradicted, as far as the nature of the case admitted, by the other—he implored the House of Commons, in the name of principle, in the name of equity, in the name of common sense, to refuse further inquiry; and not to immolate, on such insufficient pretexts, the rights of the freemen; he implored them not to offer so poor a morsel to appease the hunger of Reform.

Mr. *Rigby Wason* contended, that the case for those who insisted upon the necessity of inquiry was completely made out by the evidence which had established the fact, that corruption and bribery had been had recourse to in all elections, not excepting even elections for Magistrates at Liverpool, prior to the period of the election of 1830.

Mr. *Hodgson* said, that as far as he could discover from the evidence, there was no serious case of delinquency proved against the borough, and he was not, therefore, prepared to give his support to the Motion for inquiry.

Mr. *Wynn* might, perhaps, have agreed to punish the delinquency while that delinquency was fresh; but since the Reform Act, the new constituency of every town had been so mixed up with the old, that he thought, in any attempt to punish the really guilty, the innocent might suffer. It did not appear to him, that, with respect to Liverpool, there had been established any amount of corruption beyond that which was generally inseparable from large communities, in which, as must be well known to the Members of that House, it was by no means uncommon for the electors to apply to the agents of candidates to know what they might have to eat or drink; and though they might not always make that demand in perfect seriousness, yet still it was commonly made; and whether it was made in jest or seriously, if the city of Westminster were to be tried by the same test as was proposed with respect to Liverpool, it would be found that it was not much less open to the charge. He would repeat, that the demand to which he alluded was often made in jest, and when so made, he could only say, that the jest was a very bad joke.

Mr. *O'Connell* supported an extensive and searching inquiry, which he would carry not only into the conduct of elections of Members of Parliament, but (in pursuance of the order of the 6th of

March) into the management of elections of Magistrates. In 1830 corruption had been carried to an excessive pitch; and if bribery was not so extensive at the last election, it was because the creation of a new constituency had encouraged candidates to offer themselves who would not resort to the practice. There still remained plenty of bribees, but the bribers were wanting. He conjured the House to take steps to prevent the filthy abomination of bribery from staining the robes of justice, and repeated that the elections of Magistrates, no less than of Members of Parliament, should be placed upon an irreproachable footing. After remarking upon the corruption of the freemen, he observed, that as regarded elections for Members of Parliament, those individuals might be supposed to be rendered powerless by the infusion of an additional constituency under the Reform Bill; but although they had received a paralytic stroke from that measure, the freemen were not wholly dead even at parliamentary elections, and they were fully alive and as vigorous as ever in the elections of Magistrates. In conclusion, he appealed to the House, in the name of justice which had been disgraced, and public honesty, which was tarnished by the proceedings at Liverpool, to probe the matter to the bottom.

Lord *Sandon* thought it did not become the advocates of popular rights to visit with severity on every occasion the smallest deviation from propriety that might take place on the part of a few of the poorest voters. He asked the House, whether the whole body of electors was to be convicted of bribery and corruption on such meagre evidence, and upon such a trifling accumulation of instances as appeared in the blue book on the Table? The whole amount of bribery (giving credence to the evidence to the fullest extent) was 34*l.*, employed in corrupting a constituency of between 4,000 and 5,000 voters! Was it pretended that the virtuous 10*l.* householders could be overborne by the freemen, and by 34*l.* spent in bribery? Was the House told of treating? Why, the treating alleged only amounted to 6*l.* 12*s.* Did Gentlemen talk of the assumed general disposition to receive bribes? And were they going to condemn parties on the mere allegations of three individuals, that the voters were willing to be bribed? Two of the persons who alleged this disposition to bribery against the electors were strong partisans of the defeated parties, and had had no intercourse with the freemen; and the third individual stated that fifteen or twenty persons asked him for half a day's wages. Could such demands be prevented unless recourse were had to a higher constituency than was to be found amongst 10*l.* householders? The hon. and learned member for Dublin talked of the seat of justice and the robes of the magistracy being defiled by corruption. He would confess that some years ago, two great contests took place for the mayoralty, and he did not deny, that on those occasions bribery might have been resorted to; but there was no ground for saying that the practice had been continued. Besides, even if it had, what had the proceedings at the election of mayor to do with elections for Members of Parliament?

Colonel *Williams* said, that he had known Liverpool for thirty-five years, and had never known but two instances of Magistrates being elected on pure principles. The object at present was not disfranchisement, but inquiry; and although he was an elector of the borough, but never implicated in these transactions, he should be satisfied to be disfranchised amongst the rest, provided the other electors shared the same fate.

Sir *Henry Willoughby* opposed the inquiry. He was afraid if the House began it they might never see it brought to a conclusion.

The House divided — Ayes 166; Noes 84: Majority 82.

Committee appointed.

Lord *Sandon* then moved, that it be an instruction to the Committee, that inquiry should be made relative to the two last elections, commencing with that of the year 1831, whether general corruption and bribery did exist at those elections; and also for the names of the persons guilty of corruption, and the amount of the sum given to each of them.

Mr. Nicholl seconded the Motion.

Mr. *Rigby Wason* did not see what advantages could result from the Motion, unless it was intended to stifle inquiry. The writ of 1831 was sent down by that House, in order that the noble Lord might have a seat to defend the electors and the interests of the borough.

Mr. *Warburton* said, that an inquiry should be instituted as to the corruption

of the sources of justice, and that it was therefore of much more consequence to inquire how the Magistrates were elected, than how Members are elected. He thought the matter should be left to the discretion of the Committee, and that no restrictions be placed on their inquiry.

Mr. *Philip Howard* had observed with regret, that whenever a case affecting freemen or burgesses came under the consideration of the House, it was very far from being an impartial tribunal. The general vagueness of the charges which had been brought against the freemen and electors of Liverpool at the last election, had compelled him to oppose the Motion of the hon. Member for Manchester. He (Mr. Howard) was disposed to concur in the views of the noble Lord the member for Liverpool. As the House would have afterwards to form a judicial opinion upon the merits of the case, it would advance the ends of justice, that the Committee should be guided in the course of its inquiry by some defined rules, and not receive all kinds of hearsay evidence, which might in future, as he feared it had already, unduly bias the decision of that House.

Sir *Henry Willoughby* knew, from experience, that a Select Committee was a bad mode of inquiring into municipal corruptions.

Lord *Sandon* would withdraw his Motion, with the understanding of bringing it forward at a future period.

Mr. *Hume* said, after the question had been so fully discussed, the noble Lord ought not to be allowed to withdraw his Motion. If there were any Amendments to be proposed, that was the time for putting them.

Colonel *Wood* thought, that the House should treat the noble Lord with common courtesy. As it did not seem disposed to do so, he begged leave to move, that the House do adjourn.

Mr. *Ellice* said, that there was no chance that the question could be brought forward again, when there was so much other important business to transact. He should oppose the withdrawal of the Motion; but if the House was called upon to adjourn, that was an evil he should be obliged to submit to.

Lord *Sandon* said, that the Motion for Adjournment was only made in consequence of the lack of courtesy of hon. Gentlemen. His gallant friend would, no doubt, consent to withdraw his Motion for adjournment, if he (Lord Sandon) were allowed to withdraw his own Motion.

Mr. *Bonham Carter* said, that the noble Lord should recollect that, when a Motion was allowed to be withdrawn, it was upon an understanding that it was not to be brought forward again.

Finally, the Motion for the Adjournment was withdrawn, and Lord Sandon's Motion was put and negatived.

List of the Ayes on the above Division.

Astley, Sir J.
Abercromby, J.
Acheson, Lord
Attwood, T.
Aglionby, H. A.
Adam, Admiral
Blake, Sir F.
Browne, D.
Blamire, W.
Bouverie, Hon. D. P.
Bellew, M.
Bainbridge, E. T.
Bewes, T.
Barnard, E. G.
Brougham, J.
Buller, C.
Brigstock, W. P.
Bulwer, E. L.
Brotherton, J.
Bannerman, A.
Burrell, Sir C. M.
Briggs, R.
Briscoe, J. J.
Barron, H. W.
Beauclerk, W.
Biddulph, R.
Chapman, M. L.
Cayley, Sir G.
Carter, B.
Calley, T.
Cayley, E. S.
Clayton, Colonel
Clay, W.
Chichester, J. P. B.
Denison, W. J.
Dykes, F. L. B.
Duncannon, Lord
Dawson, E.
Donkin, Sir R.
Davies, Colonel
Dunlop, J.
Ellice, E.
Ellis, W.
Evans, W.
Evans, G.
Fenton, J.
Finn, W. F.
Fleming, Admiral
Fitzgerald T.
Ferguson, Sir R. C.
Ferguson, Sir R. A.
Fergusson, R. C.
Fellowes, H. A. W.
Feilden, W.
Fielden, J.
Galway, J. M.
Glynne, Sir R.
Gordon, R.
Grote, G.
Gillon, W.
Gaskell, D.
Howard, Hon. F. G.
Hall, B.
Hoskins, K.
Heathcote, J.
Handley, B.
Handley H.
Hay, Colonel A. L.
Hawes, B.
Handley, W. F.
Heathcote, G.
Hutt, W.
Hulse, J.
Hurst, R. H.
Hyett, W. H.
Johnston, A.
Jervis, J.
James, W.
Keppel, Major
Key, Sir J.
Kennedy, T.
Kerry, Earl of
Lambton, H.
Lloyd, J. H.
Lee, J. L.
Lushington, Dr.
Lamont, N.
Leech, J.
Murray, J. A.
Moreton, Hon. A. H.
Marjoribanks, S.
Madocks, J.
Macnamara, W.
Mills, J.
Maxwell, Sir J.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Brien, C.
Oswald, R. A.
O'Connor, Don
Ormelie, Earl of
Ord, W. H.
Oliphant, L.
O'Callaghan, Hon. C.
O'Grady, Hn. Col. S.

O'Dwyer, A. C.
Oswald, J.
Pryse, P.
Parkes, J.
Phillips, C. M.
Philpotts, J.
Pease, J.
Paget, F.
Peter, W.
Potter, R.
Parrott, J.
Roe, J.
Romilly, J.
Romilly, Edward
Ruthven, E.
Ruthven E. S.
Stawell, Colonel
Stavely, T. K.
Sullivan, R.
Stanley, Edw. G.
Stanley, R. A.
Sharpe, General
Strutt, Edw.
Shawe, R. N.
Seale, Colonel
Spry, S. T.
Spankie, R.
Smith, J.
Scholefield, J.
Scott, W. J.
Tancred, H. W.
Troubridge, Sir T.
Tennyson, Rt. Hn. C.
Traill, G.
Tooke, W.
Talbot, C. R. M.
Tayleure, W.
Torrens, Colonel
Trelawney, W. L. S.
Thicknesse, R.
Turner, W.
Vernon, Hon. G. J. V.
Vigors, N. A.
Warburton, Henry
Whalley, Sir S.
Wood, C.
Walter, J.
Wallace, R.
Wallace, T.
Wilbraham, George
Walker, C. A.
Walker, R.
Williams, Col.
Wason, Rigby
Wilks, J.
Williamson, Sir H.
Wood, Colonel T.
Wood, G. W.
Whitmore, W.
Young, G. F.
Yelverton, W. H.

PAIRED OFF.

Bernal, R.
Buxton, T. F.
Lynch, A.
Tynte, K.
Miller, W. H.
Perceval, Colonel
Ridley, Sir M. W.
Steuart, R.

TELLERS.

Hume, J.
Philips, R. M.

List of the NOES.

Anson, Hon. G.
Arbuthnot, Hon. H.
Ashley, Hon. H.
Baring, F. T.
Bateson, Sir R.
Bentinck, Lord G.
Berkeley, Hn. C.
Brodie, W. B.
Bruce, Lord E.
Bruce, C.
Buller, J. W.
Bulteel, J. C.
Calcraft, J. H.
Chapman, A.
Christmas, W.
Corry, Hon. H. L.
Curteis, H. B.
Darlington, Earl of
Dillwyn, L. W.
Duffield, T.
Dugdale, W. S.
Egerton, W. T.
Estcourt, T. G. B.
Ewing, J.
Fancourt, Major
Fenton, Capt.
Ferguson, Sir R.
Finch, G.
Gaskell, J. M.
Gladstone, W. E.
Gladstone, T.
Gordon, Hon. W.
Greene, T.
Grey, Sir G.
Grimston, Viscount
Grosvenor, Lord R.
Halcombe, J.
Halford, H.
Hardinge, Sir H.
Harland, W. C.
Hay, Sir J.
Hodgson, J.
Hope, H. T.
Houldsworth, T.
Howard, P. H.
Howard, R.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Jerningham, Hn. H. V. S.
Jones, Captain
Langdale, Hon. Chas.
Lennox, Lord W.
Lowther, Viscount
Lowther, Colonel
Lyall, G.
Mangles, J.
Manners, Lord R.
Marshall, J.
Maxwell, W.
Maxwell, J.
Ossulston, Viscount
Palmerston, Visct.
Pigot, R.
Powell, W. E.
Rice, Hon. T. S.
Ross, H.
Russell, C.
Sandon, Visct.
Scarlett, Sir J.
Shaw, F.
Smith, R. V.
Stanley, Rt. Hn. E. G.
Stanley, E.
Stormont, Viscount
Stuart, Lord D. C.
Thompson, P. B.
Wall, C. B.
Wedgwood, J.
Welby, G. E.
Willoughby, Sir H.
Wilmot, Sir J. E.
Wood, Colonel
Wynn, Rt. Hon. W.
Young, J.

TELLERS.

Nicholl, J.
Ross, C.

HOUSE OF LORDS,
Friday, July 5, 1833.

MINUTES.] Petitions presented. By the Marquess of LONDONDERRY, from St. James's, Clerkenwell, for Removing all present Restrictions from Dramatic Representations at the Minor Theatres.—By the Duke of CLEVELAND, from Bath, for Poor Laws to Ireland.

THE THELLUSSON PROPERTY.] Lord *Lyndhurst* rose for the purpose of moving the Suspension of the two Standing Orders, Nos. 95 and 99, relating to private Bills, in order to introduce the Bill, the outline of which he had last night stated to their Lordships. He thanked his noble friend (the Earl of Shaftesbury) for pointing out to him this course; and he was fully persuaded, that his noble friend was merely induced by a sense of the necessity of adhering to the Standing Orders, when he rose last night to object to the Bill being read a first time.

Lord *Wynford* said, he could not concur in the propriety of suspending the Standing Orders of the House in the present instance without some reasons being adduced. No facts had yet been stated to the House why these Standing Orders should be suspended. It was unnecessary for him to dilate upon the usefulness of the Standing Orders; they had been adopted and acted upon, and had been found highly advantageous. With regard to the Standing Orders in question, their Lordships were aware that there required, before a private Bill could be presented, a petition to have been previously presented, embodying the facts to be proved, which petition was to be subsequently referred to two of the Judges, and then the Bill, upon the report of the Judges being favourable, was laid before their Lordships for consideration. With

regard to the will of the testator, he was ready to admit that it sprung from vanity, he being desirous of being the founder of a most wealthy family. Had it not been for that vanity his name would have been buried in oblivion. The House, however, had to take care, in endeavouring to frustrate the intentions of the testator, in carrying into execution that piece of vanity, that injustice was not done to distant parties, who would be hereafter beneficially interested in the property bequeathed by him. It was, therefore, necessary that great caution should be observed. No reason had been assigned to call upon their Lordships to depart from their usual course of proceedings; and in opposing the suspension of the Standing Orders, he begged to add, that he should ask no vote upon it, and that in making the remarks he had, he had done so only from a sense of duty, for he was not unaware of the great hardship which the relations of the testator experienced from the manner in which he had thought fit to leave his property.

The Earl of *Eldon* said, it was not his intention, on the present occasion, to detain their Lordships at any length, especially as there was another important subject to be discussed that evening. In the course of his experience he recollected but one occasion of a case of an analogous nature to the present, in which the Standing Orders had been suspended, and he would proceed to state the circumstances of that case. A Bill was brought into their Lordships' House by the Marquess of Hastings to repeal the provisions of an Act which had been brought into Parliament by that noble Lord's father. It was contended, on that occasion, that the case ought to be sent to the Judges before the Bill could be entertained. The Bill, he ought to state, had reference to Scotch as well as English estates. But here came the question; which Judges were to be consulted?—the Scotch or English? It was said, that the English Judges could not regulate the Scotch property; so neither could the Scotch Judges the English property. It was, however, necessary either to refer to the English or Scotch Judges, or both, it was insisted, in order to have the necessary information upon the subject. He well recollected, however, that the House did him the honour to believe, that he knew something of both English and Scotch law as to the disposition of property in both countries, and he was appointed to report upon the case, which was referred to him, to the House. With regard to the proceedings of their Lordships on the matter brought before them, as respected Mr. Thellusson's will, he recollected that their Lordships were anxious to set it aside; but they felt that they could not interpose, for the law had given him the power to make his will, which had been decided was a valid testament. And what were their Lordships now required to do, supposing the Bill were introduced? Why neither more nor less than in effect to revoke that will. It was asking the Legislature to destroy a portion of the will at least. There was another reason why the case ought to go before a Judge, that an investigation might be made into all the facts. He (the Earl of Eldon) had never heard a single complaint when he presided in the Court of Chancery as to the costs and charges with respect to the suit, and he was so startled on hearing his noble and learned friend make the representation he had done last night about the costs and charges of the administration of the property of the testator, that he determined to make an inquiry this morning into the subject. He had done so, and the result was, that great misapprehension upon that topic had arisen. If he had seen his noble and learned friend this evening on entering the House, he should have made him acquainted with the result of that inquiry, and should have assured him that he had been misinformed upon the subject of those costs and expenses. Having said thus much, he would only add a wish, that his noble friend near him (the Earl of Shaftesbury), would state what his experience was with regard to suspending the Standing Orders in question.

The Earl of *Shaftesbury*, having been appealed to, had no difficulty in stating what his experience was upon the subject. He only recollected another instance in addition to that just stated by his noble and learned friend, and that was with respect to a Bill relating to the Sergeant's Inn property, which was introduced during the last Session of Parliament. Now the Judges having property in that Inn, it was considered unnecessary to refer the case to any one in particular, and the Standing Order was accordingly dispensed with. He did not offer a single word on the present occasion with respect

to the object of the Bill which his noble and learned friend had last night detailed; but now he might be permitted to suggest, that the object might be equally attained by referring the Bill to the Judges, as though the Standing Orders were suspended, provided that object could be legally attained. He must, however, earnestly entreat their Lordships to consider well ere they suspended the Standing Orders, lest, by so doing, a precedent should be established.

The *Lord Chancellor*, in reply to the observation made by his noble and learned friend, who had asserted, that he had heard no complaints as to the cost and charges of administering the property of the testator during the period that he presided in the Court of Chancery, said, he was not surprised that his noble and learned friend should have heard no such complaint; nor would he even up to the present moment, had he still continued to hold the Great Seal. But it was not the case with him (the Lord Chancellor), nor his noble and learned friend who had immediately preceded him (Lord Lyndhurst), for they had heard complaints of that description. No complaint, however, had reached his noble and learned friend (the Earl of Eldon). It was not likely that any should reach his ears from the Masters'-office for the clear sum of 700*l.* or 800*l.* a-year was there reaped owing to the existence and continuance of the suit. It was counted upon as a yearly income to that amount in the Masters'-office. Besides this, the other officers in the Court of Chancery, who had as good reasons for their silence, would be naturally as slow to complain. Then it had been argued in that Court, that the accumulation would be immense. Instead, however, of the notion being realized that the property would accumulate to 90,000,000*l.* or 100,000,000*l.* in the course of years—that it would be augmented to an extent, which, by possibility, might be dangerous to the Constitution—the increase had been so small as to be scarcely perceptible; and an extraordinary power was found to exist in a certain Court to retard this perilous accumulation, and render chimerical all the fears entertained of an overthrow, by means of this monstrous fund, of the established order of things. The accumulation of the property would not be checked by the Bill, it would go on to the full as rapidly, or more so, than at present. It was clear, therefore (accumulation being the testator's object), that neither in letter nor in spirit would the will be violated by the measure. He trusted that the House would show itself disposed so far to entertain the Bill as to speed it in its progress. This was a peculiar and single case, which could never again occur; consequently, the present proceeding could not be drawn into a precedent, inasmuch as no ground for its repetition could arise. He could not but think, where a great deal of substantial justice and mercy was to be rendered to an unfortunate family, that it would be a pity to allow mere forms to stand in the way of the proceeding.

The Earl of *Mansfield* observed, that the question was not as to the merits of the Bill, but whether there was anything in its character, or the circumstances connected with it, that formed a justification for suspending those Standing Orders which had been adopted for the protection of the rights of individuals. He confessed that he could see no grounds for doing so. He called upon their Lordships to proceed with caution, and refrain from an infringement on those rules and orders which were intended to guard the rights and property of individuals, and prevent the House from being taken by surprise.

Lord *Ellenborough* thought the question was one of the greatest importance; and suggested, that in order to get over the difficulties in the way of their Lordships in granting the sought-for relief, the peculiar circumstances of the case might be embodied in a Resolution, recommending, on account of those peculiar circumstances, the suspension of the Standing Orders. This, he thought, might obviate the objection to the suspending of the Standing Orders, and enable their Lordships to give the relief sought for by the family of Mr. Thellusson.

Lord *Lyndhurst* said, that the object was to prevent the funds from being unnecessarily wasted, and also to give relief to the family who were in a state of destitution. The costs had already amounted to the enormous sum of 105,000*l.* The costs had been averaged by the Accountant-general by taking the average of the last twelve years, and it was not unfair to assume, that they would go on in the same ratio for the future. It was said by his noble and learned friend (Lord Eldon) that no complaint had ever been made

upon the subject of these costs. Certainly not, for they were only the regular costs; but it was because they were only the regular costs that the necessity became greater for putting an end to them. Making the calculation upon the average he had stated, the taxed costs for the whole period, from the time the will was made until it should expire would amount to a sum no less than 250,000*l.* The course he proposed for adoption was not without precedents. In the case of the Marquess of Hastings all the Standing Orders had been suspended. In the case of Sir J. Soane's Museum Bill the Standing Order for referring the matter to the Judges had been suspended. He held in his hand no less than fifteen cases, which he had lighted upon only that morning, in which most important Standing Orders had been suspended. He would also request their Lordships to recollect that this case could never be made a precedent for others. It was an insulated case. Such a case could never occur again, for an Act of Parliament had been passed to prevent in future such a disposition of the property. It was said, that the object of the Bill was to run counter to the testator's will; but he denied the assertion, the very opposite of which was the fact. By the present mode of administering the property in the Court of Chancery, a certain amount was absorbed yearly. Now, the testator never intended this; he did not mention the Court of Chancery in his will. Surely, then, it was not interfering with the will to say, that the property was no longer to be so administered, that 5,000*l.* a year should be so transferred to Masters, Clerks, and Solicitors, when it might be better devoted to the necessities of a family which was suffering great privation and distress. He should move, that the Standing Orders be suspended with the intention of pressing his Motion to a division.

The Duke of *Wellington* meant to vote for the proposition of his noble and learned friend. It might have been wiser on the part of the family to have made an application in the earlier part of the Session, and, by petitioning, to have proceeded according to the rules and orders of the House; but it was probable that they might not have been able to obtain at an earlier period than the present the requisite signatures to such a petition. To allow, therefore, another Session to pass without affording relief to this family, was, what he felt confident, none of their Lordships would wish, and he hoped they would not refuse their sanction to the course proposed to be adopted.

The Earl of *Harrowby* said, that the only ground stated by the noble Duke for agreeing to the Motion was, the lateness of the Session, which might otherwise prevent this family from obtaining the relief they sought for. He could not think, however anxious he might be to afford relief, that he should be justified on such grounds in consenting to a suspension of the Standing Orders.

Earl *Grey* never found himself in greater difficulty than upon that occasion. He confessed that he was much struck with the statement of the noble and learned Lord, and he was most anxious to set aside this unjust and cruel will. He had every disposition to give facility to the object in view; but he felt the difficulties in the way of their Lordships very strongly. The merits of the question appeared to him to have nothing to do with the present Motion. The question before their Lordships was simply this—whether the Standing Orders of the House, which had been framed with the view of protecting the property of the kingdom, should be suspended, without a proper and sufficient reason for so doing being assigned. If no sufficient reason could be assigned, standing there as guardians of the property of the country, they would do well to pause before they suspended the Standing Orders of the House. He had heard nothing whatever to show, that the family might not have signed a petition at an earlier period. He felt, therefore, obliged to state, that, with every disposition to give relief to this family, he found the standing orders in his way; and he did not know how their Lordships could get over this difficulty without doing that, which he conceived, would be a dereliction of their duty. He thought the better course to be pursued, in order to relieve their Lordships from this difficulty, would be, for the noble and learned Lord to withdraw his Motion for the present, in order to give an opportunity to the family to present a petition to the House.

Lord *Lyndhurst* said, that on the previous evening he had stated, that he should be able to present a petition signed by all the adult members of the family, but he was afraid he could not present a petition signed by all the parties concerned. There

were parties interested as trustees to this property; and he had a letter from one of them—a Mr. Wood, in which he willingly consented, to what he conceived to be a fair and just arrangement. He feared, however, that he could not present to their Lordships any hope of a similar sanction from the others.

The Duke of *Hamilton* was inclined to go as far as possible, in order to give relief to the family, but he had a strong objection to vote for suspending the Standing Orders, which he conceived ought to be held sacred. If the question could be brought forward separated from a violation or suspension of the Standing Orders, he should be ready to give it his best consideration.

The Marquess of *Salisbury* believed, that every noble Lord was willing, if possible, to give the desired relief. The whole of the family were petitioners to their Lordships. They had not, he admitted, signed a formal petition, because the law required that such a petition should be signed by the trustees of the property, who were unwilling to sign such a petition. Their Lordships could readily understand, that the trustees, not being members of the family, had an interest in spending large sums in newly furnishing houses that ought to be sold, and also in shooting over certain lands, which interests would induce them to oppose a measure like the present. He should certainly give his vote that the Standing Orders should be suspended. The property, he believed, was managed in a most expensive manner, and an opportunity ought, therefore, to be given for their Lordships to examine evidence at the bar of the House upon the subject.

The Marquess of *Lansdown* felt the greatest anxiety to afford relief to the family which was thus suffering under the administration of the law; but still he thought it was the duty of their Lordships, after laying down standing orders for the conduct of business, to adhere to those orders as closely as possible, and to depart from them only where injustice would be done by adhering to them. He could well understand, that the trustees might have reasons for not concurring in the petition, and there might yet be ample reasons why the House should dispense with the signatures of the trustees; but before their Lordships did even that, it was their duty to satisfy themselves, that all the adult members of the family were ready to sign such a petition. He would not object to the Motion if their Lordships were in formal possession of that, which they knew already from the statement of the noble and learned Lord. When their Lordships should be in possession of such information, then would be the time, in his opinion, to consider whether they would not waive the signatures of the trustees. His object was, that their Lordships should proceed upon the foundation of an authentic document, and he hoped, therefore, that their Lordships would require that a petition should be presented.

Viscount *Melbourne* entirely agreed in the proposition, that the Standing Orders should not be suspended unless upon very strong grounds; but he begged to ask their Lordships, if there could be stronger grounds than were laid down in the statement of the noble and learned Lord, for adopting such a course. This was a case which had long been a disgrace and a scandal to the country. The case was one of such a character that he hoped their Lordships would not allow a regard for mere forms to stand in the way of the administration of substantial justice. These forms would not only stand in the way of, but would even defeat justice, if it should be found eventually impossible to comply with the Standing Orders.

The Duke of *Buckingham* objected to forming a new precedent—that of proceeding in such a matter without any previous petition. He had, however, no wish to negative the proposition; but why not amend it? Why not move as an Amendment, that a Committee be appointed to consider whether any grounds could be shown for such a suspension of the Standing Orders? If he were forced to give a vote as the question at present stood, he must vote against suspending the Standing Orders.

The Earl of *Ripon* said, that their Lordships were at present not in possession of the sentiments of the family of the testator; and he suggested, therefore, that the noble and learned Lord should abstain from pressing his Motion until a petition from the family should have been presented. If the noble and learned Lord should not adopt this course, he should feel it his duty to vote against the noble Lord's proposition.

Lord *Lyndhurst*, after what had fallen from the noble Lords, who had spoken in the course of the discussion, would suggest, that the better course to be adopted would be to adjourn the debate until Thursday

next, in order to give an opportunity of presenting a petition in the mean time.

The debate adjourned.

EAST INDIA COMPANY'S CHARTER.] The Marquess of Lansdown moved the Order of the Day, for the House to take into consideration the Resolutions agreed to by the House of Commons on the subject of the East-India Company's Charter. The Order was read, and the Resolutions having also been read,

The Marquess of *Lansdown* said, that he had then to call upon their Lordships to consider of the propriety of concurring in Resolutions, already agreed to by the House of Commons, upon the subject of the East-India Company's Charter. He was perfectly aware, in offering himself to their Lordships' attention, that, important as the subject certainly was, yet it was one, whether on account of the remoteness of the interests concerned, or whether because of the confidence reposed upon the authorities acting in that quarter of the world, that had not often been brought under their Lordships' consideration; and, whenever it had been so brought under the notice of the House, it had seldom found a willing audience. He persuaded himself, however, that, if ever there was a time when so remote a subject could engage their attention—if ever there was a time when their Lordships might be expected to bear patiently with those who sought to interest them in details concerning such a remote country, consisting, indeed, of the largest territory possessed by any European Power, and inhabited by 100,000,000 of people—that time was the present; when their Lordships were called upon to consider and determine what should be the character of the government, and what the principles of the system, to be established for regulating such a country and such a people. He trusted, therefore, that he should experience the indulgence of their Lordships, while he trespassed on their attention, to explain, though it would be very imperfectly, the principal outlines of that system, which was contained in the Resolutions before them, and which his Majesty's Ministers proposed for the adoption of the Legislature. It was quite unnecessary for him to go into an historical review of the growth and progress of the power and commerce of the East-India Company since its first establishment in the sixteenth century, through the successive renewals of its Charter at different intervals; it was sufficient for him to say, that the renewals were at all times the subject of discussion, which brought into active, if not angry collision, all the political and commercial interests involved in the question, and all the diversities of principle which at the different periods had agitated and divided the Legislature. All that was necessary for him to observe on this point was—and it was an observation that applied to all the renewals of the Charter, and all the acts arising out of them — that Parliament had, when called upon to legislate on the subject, however confident it might be in the justice and policy of what it was about to do, never sought to bind posterity, or to perpetuate the principles upon which it acted; but, anticipating the possibility of changes in that empire, as well as in the state of this country, which might lead to the necessity of changes, equally as great, in the Charter, though it could not, by any possibility, anticipate the very extraordinary changes which had come to pass, the Parliament had always renewed the Charter for short periods only, thus, not only inviting, but binding Parliament to a frequent reconsideration of the subject, and of all the principles on which the Charter should be renewed, and the trade and possession of India preserved. He had also to state, that there had been a frequent, if not a perpetual attempt, on the part of individuals, sometimes under the character of merchants, but sometimes under that of interlopers, to share in the profits of the trade; while, on the part of the community, frequent attempts had been made to obtain the repeal of the Charter. Looking at all these circumstances, and at all the knowledge and experience that had been acquired of that part of the world, directed, too, by their improved acquaintance with the best interests of commerce, their Lordships were called on, by these Resolutions, to adopt greater changes than had hitherto been made in the administration of East-Indian affairs. To those changes he was now about to call their attention. The first was, that the trade with China should be entirely open; the second, that the Company should no longer continue that trade as a Company, although they were to be invited to retain the management of the affairs of India, in the name and on the

behalf of the Government of this country. He should begin his observations with that part of the subject which related to the trade of China. It was one of the most extraordinary features attending the history of the East-Indian dominion, that so large a branch of commerce as one involving the interests of 300,000,000 of people (at least such he was informed was the opinion of those who had the best opportunity of knowing China) should be the exclusive possession of one body of merchants; and that so large a population as was contained in India, should be a mere dependency in the hands of one trading Company. That trade, he admitted, had grown and flourished under the superintendence of the Company. It was now nearly a century and a-half since those extensive regions had been discovered to grow that article which was the chief object of our trade with them. It was about that time, in the reign of Charles 2nd, that the well known Mr. Pepys, then Secretary to the Admiralty, mixed his cup of China grain, of which he gave so lively an account in his Memoirs, as a curious experiment. That was the earliest introduction of a herb of which thirty millions of pounds were now imported into this country, which was now the cheap luxury of both rich and poor, and cheaper, he hoped, it would soon be, as it was the chief comfort and refreshment at the fire-side of the humblest cottage in every part of the kingdom. He had said, that this trade had flourished under the Company. He was not desirous of withholding his tribute of praise from the Company's officers, to whom at different times this trade had been much indebted, but he could not go the length of admitting, with some who had taken part in these discussions, that the monopoly of the Company was the only talisman by which the trade could be opened to this country, or that the Company was the only channel by which the growth and produce of that great and fertile empire could be conveyed to that people who were the most desirous to consume, and the most able to purchase the article. Notwithstanding that opinion, which he entertained now, and which he had ventured to form many years ago, in opposition to some of the oldest and greatest authorities, when Chairman of the Committee of Foreign Trade, which investigated at that time the whole of the subject, yet not being prepared, from the then state of the Charter, to come forward with any specific recommendation, or any practical law, he had waited with anxiety to see his opinions confirmed by experience, which was the only satisfactory test of their truth. It so happened, that a combination of circumstances had occurred to afford their Lordships the opportunity of judging, not by theories, but by the evidence of facts—from the state of our commerce with Canton—and from the success of those adventurers whom circumstances had brought into those ports, independently of the Company, what was the degree of success with which the trade of China might be carried on if conducted by individuals. It was true, that the incorporated Company had continued to trade thither, but it was also true, that others had gone thither to trade—Europeans, as well as traders from the United States of America, and, finally, the private traders of India; and it should be made apparent to their Lordships, that not only one, but all these private traders had carried on their commerce to greater advantage than the East-India Company had been able to do, and that the East-India Company's trade had been a falling trade during the latter part of the time, while that of the persons he had mentioned had been an improving and flourishing trade. He held in his hand a paper which would show the results of the imports of the East-India Company during the first and last years of the period that had elapsed since the last renewal of their Charter. The imports made by the Company into the port of Canton in the years 1813 and 1814, were valued at 5,646,000 dollars. In the years 1831-2, the last during which, under the present Charter, the accounts could be made up—at this time, the value of the imports was taken at 3,691,688 dollars. During the same periods the traders of the United States had imported goods into the port of Canton, to the amount, in the years 1815-16, of 2,527,500 dollars, and in 1831 and 1832, to the amount of 3,050,937 dollars. He was aware that, in the American trade, there had been great fluctuations in the intermediate time, but in the result, and on the whole, it had been a gaining trade. He could refer to the evidence of Mr. Bates on this subject, and it would appear, that the American trade had been the means of carrying out a great quantity

of English manufactures to Canton, a proof, indeed, that the trade with that place, though not carried on by the Company, was the means of administering largely to the employment of the industry of this country. But that was not the only part of this case which was entitled to their Lordships' attention, for during the same time an extensive field of enterprise had been opened under the very eyes of the Company, by the individual merchants of this country, which might be proved on reference to the official account of the imports into China. He would refer to the Company's exports from India, and compare its amount to that of the exports made by individual merchants during the same period. In 1814, the exports of private traders from India into China amounted in value to 6,035,128 dollars—while, in 1831-32, it was more than doubled, for it reached 16,848,553 dollars. To show that the East-India Company's trade with Canton was a losing trade, as well as a declining trade, he should quote a paper, showing how much their profits had diminished between the years 1823 and 1832. In the former year it was 1,117,532 dollars; in the latter it was 683,844. He, therefore, thought it impossible to maintain the argument which had frequently been maintained upon high authority—namely, that the character of the government of China was utterly incompatible with individual enterprise and industry. He believed, that this was one of the many instances which occurred, and which were not confined to Europe and the East, but seemed to be in immediate operation every where, that the maxims of Government in many places seemed to say one thing, while in practice the conduct of Government materially differing from its maxims was another. If their Lordships would consider what was the character of the Chinese people, and the field of commerce in which they were engaged, they would find that whatever was the principle of Government with respect to trade, the disposition to trade was the characteristic of the people, and must be the real wish of the Government. There was little doubt, that if in the Court of the Emperor any one should adopt and express the opinions that the people of the north stood in need of the woollens, or the people of the south required the cottons of England, or that any part of the empire wanted the skins of America, or that the people on the other side of the globe were better able to pay for their tea than their own mandarins, there could be little doubt that such opinions once regarded as nothing less than heretical might be prosecuted by a Chinese Attorney General in the courts of the celestial empire, and would no doubt be punished; but he believed it was not less true, that from the highest to the lowest mandarin, all acted as if they felt the persuasion that foreign commerce was necessary to the prosperity of the Chinese empire. The whole of the Eastern Archipelago was in a state of activity by their labours. Mines were worked, pepper was grown, sugar was planted, and the whole of the agriculture of Java was performed by them, and all the products of these various branches of their industry were carried from place to place in Chinese junks, upon as extensive and perfect a system of commerce as ever was developed by any people in the world; and the Chinese government, despotic as it was, did not dare actually to oppose itself to the wishes of the people. When the noble Lord opposite alluded to opium as one of the articles prohibited by the Government, he had, in truth, adverted to a fact confirming the position already laid down; for, in opposition to the nominal prohibition of that drug, there was really a most extensive use of it, and the Chinese government were not able to prohibit it, the prohibition being contrary to the wishes of the Chinese people. It was true that it had been made the subject of consideration, but the Report addressed to the empire, in the very respectful words customary among the people of the East, declared, that "if it pleased the Emperor, he might undoubtedly extinguish the trade of the Europeans, but that such a course would be inconsistent with the tenderness his Majesty had been accustomed to show to foreigners, and that it would be more in accordance with that tenderness to allow them to trade, but to impose a duty upon the articles they imported." That Report was not very far inferior in knowledge of political economy to that which we had shown when twenty years ago we first discovered that a wholesale system of prohibition was injurious, and when we imposed duties on articles in its stead. In the same manner there were laws in China which prohibited the advance of money by Europeans to Chinese; did that law take effect? There

were papers on their Lordships' Table which proved quite the contrary. It was known that, under the eye of the authorities, there were continually loans made by Europeans to enable the Chinese to trade; and the East-India Company having diminished the amount of their advances, the Americans who had interfered in so many ways, and done so much injury to the Company's trade, had stepped in and made large advances to individuals in China for the purpose of carrying on trade. He thought he had said enough to satisfy their Lordships, looking both to facts and to figures, that it was time that individual enterprise and British trade and commerce should be fully admitted into that great field which they could most usefully cultivate; enlarging the demand for British manufactures in China, and extending that commerce which had rather decayed of late years while exclusively in the hands of the East-India Company. By their large importations the industry of the country would be benefited, and from the competition thus occasioned a great reduction in the price of tea would, he believed, necessarily follow. It might be said, as in fact it had been argued, that the private trade was owing to the protection afforded by the East India Company's Factory; but from a very curious correspondence which had taken place at Canton, it would seem, that the Chinese, at least the Hong merchants, knew very well the nature of the Company, that they expected the intended alteration, and anticipated from it no other difficulty, but that of providing a proper Magistrate to act in the place of the Factory, and decide any disputes which might arise between individuals. To that correspondence, which was to be found in the Report presented to the House of Commons, he should beg to refer their Lordships. That would show, that the Chinese had a full knowledge of our trade, and that, far from desiring the continuance of the present system, they wanted nothing but that which their Lordships must endeavour to provide—namely, the means of regulating and ordering the proceedings among Europeans, so that there might be some responsible authority. In Canton, notwithstanding all that was said of the unwillingness of the Chinese government to give encouragement to commerce, there were facilities for carrying on trade which were scarcely exceeded in the port of London, nor even in the port of Liverpool, which, of all others in the world, was believed to offer the greatest advantages to the influx of foreign trade. Their Lordships, no doubt, would act with due respect to the general principles of commerce, and, adopting them as guides, as well as taking advantage of their experience, they would consult the best interests of the country by adopting the Resolutions now proposed to them, and throw open the China trade, taking only those precautions which would ensure the establishment of an authority before which the disputes of the Europeans and Chinese might be determined. It would appear, as he must further remark, from the papers on the Table of the House, that in the mode of conducting their trade, and sending their remittances—for the Company had imported more from China than they had exported thither—they had been obliged to lean on the aid of private merchants—a fact, which showed in a curious manner, how monopoly was often compelled to depend on free trade for assistance. Having thus spoken on the question of the China trade, he now came to the subject of the East Indies themselves. If the trade in China was, as he had shown it to be, a falling trade, that which had been carried on in the East Indies was a losing trade altogether. A serious apprehension had been entertained, and even stated in Parliament, by a noble friend of his, now, unhappily, lost to that House, but whose memory would be long gratefully esteemed by his fellow-countrymen—he meant Lord Grenville—an apprehension had been entertained, and stated by that noble Lord when the East-India Charter was last renewed, arising out of that anxiety for the interests of the commerce of the country which had always distinguished him, that by the power left under the last Charter to the East-India Company, the interests of the private trader, though to a certain degree consulted, might be and would be defeated altogether. But so powerful was the genius of free trade—so great was the energy of the English merchant—that they had falsified all the predictions of his noble friend, and had compelled the East-India Company to retreat as a trading company before the superior power, activity, and industry of individuals. He would state as briefly as he could the result of this competition. He had drawn it up in averages of five years, and he knew of

no other way in which the futility of the attempts of the East India Company to carry on trade as a trading company could be so forcibly exposed as by comparing the amount of their exports to the East, and their imports from the East, with the amount of the exports and imports of the private traders. The average amount of the five years ending 1818, of the value of cottons of every description, printed and plain, exported to the East by the East India Company was 110*l.*; the average amount of the cottons exported during the same time by the private trader was 87,168*l.* The average amount of the same article for the five years ending in 1823, was by the Company 342*l.*, by the private trader 217,046*l.* In the five years ending with 1828, the average value of the exports of cottons of the Company amounted to 31*l.*, and of the private traders to 224,381*l.* In 1830, the Company exported nothing, and the private traders exported to the value of 185,940*l.* Although it was natural to select the article of cotton, as that was a trade in which this country was most deeply interested, yet it must not be imagined that this was all, for he could state the same with respect to other branches of trade, which, though not of equal magnitude, yet were most important. He would take the article of earthenware. In 1830, the Company exported 42,000 pieces of earthenware, and the private trader, in the same year, 1,245,860 pieces, showing, that in this trade as in that of cotton, the private traders had been much more extensively employed than the Company. He next came to speak of what the Company had imported from the East, except China, and of what the private traders had imported, and he found that there, although the Company were accustomed to make large purchases, yet the produce was larger on the part of the private trader. In 1814, the exports of cotton wool from their own dominions by the Company amounted to 366,691lbs.; the quantity exported by the private trader amounted to 2,483,627lbs. In 1830, the exports by the Company amounted to 620,330lbs.; by the private trader to 11,892,536lbs. In the same manner the exports from their own dominions of indigo, in 1830, amounted, by the company, to 2,154,341lbs.; and, by the private trader, to 5,772,516lbs. In the year 1814, the export of refined sugar by the Company was 412,401cwt.; and by the private trader, in the same year, it was only 3,148 cwt.; but, in the year 1830, the export by the company was 158,358 cwt.; and by the private trader, in the same year, 660,729 cwt. He was unwilling to trouble their Lordships by entering more fully into these statements, but he believed that it was impossible for any person to peruse the ample documents on their table, as well as those communicated by the other House, without coming to a distinct and decisive conclusion on the subject. There never was, he believed, a question more thoroughly examined and more developed in all its bearings, more proved by principle and more confirmed by detail, than this of opening the trade to China and India. The Committee of the House of Commons had been assisted in their inquiries by individuals in the service of the Government and of the Company—individuals of as great ability and of as great industry and zeal as could be anywhere found. Those inquiries had been organized and directed by an hon. Gentleman, of whose services the public had been most unhappily deprived—he meant the late Secretary of the Board of Control, Mr. Hyde Villiers, by whose assistance the inquiry of the Committee of the other House of Parliament had been conducted, and who had given them so much and such valuable information, that if anything could add, that circumstance must add much to the regret they must feel at the loss the public had sustained by his death. He begged pardon for this digression. Having stated these general circumstances, he thought that their Lordships would be prepared to come to the conclusion, that the Company could not longer continue as a trading Company with advantage to itself or the country. It had been stated, that the Company could not trade in India, and govern India, without having the assistance of the trade of Canton. That led him to the question, whether they should longer be permitted to trade as a Company to India, however fit it might be that they should continue to administer the government of that country. That one or other of these things should be abandoned, he had no doubt. Though there had been many instances, in barbarous and uncivilized countries, in which Government and trade had been blended in one person, it was impossible that it should be

so without the character of the Government suffering from the principles of the trader, or the usefulness of the trader being lost in the authority of the Government. From the circumstances he had stated, it was evident, that there must have been a considerable loss suffered by the Company. From the laudable wish to administer their Government properly, and from the very proper desire to attend to the interests of their subjects, they had, perhaps, gone a little beyond the mark; and out of the perpetual conflict between territory and trade, and out of the difficulties of making up such accounts as should satisfy Parliament or the country, they had been led into the state of things, in which they had found themselves compelled to abandon one trade after another to private individuals, who had at last really made themselves, in fact, masters of the commerce of India. It might, perhaps, be asked, why, if they took their trade away, the territorial Administration should still be vested in the Company, and the reasons for this he was not unprepared to state to their Lordships. When they considered the many and important advantages which had accrued to the people of India, and of this country, from that Administration—when they considered the number of useful and able servants trained up by and now in its service—when they considered the importance, in a part of the world where public opinion was so delicate of maintaining, unimpaired, a body whose utility in intervening between all party conflicts in this country had been so often manifested—when they considered that in that body was vested an immense patronage, which, amidst political changes, neither Government nor Parliament could scramble for—when they considered that in their new and undivided character as Sovereigns alone, the East India Company would be enabled still more than before to maintain and extend the great interests confided to them—and when their Lordships considered that the Company would still be accountable to Parliament for the course they might hereafter adopt—he trusted all would agree with him in the wisdom and propriety of this portion of the plan for the settlement of the question. It was certainly his decided opinion, that when the Company was relieved from its functions as a trading body, which had undoubtedly interfered with its functions as a governing body, it would manage even more usefully than before the internal affairs of that great empire, which it had hitherto regulated with so much credit to itself and so much benefit to its subjects. Here he should be disposed to close that part of his observations which had reference to the grounds on which these important arrangements were to be made; but, having stated the grounds, it was now necessary for him to explain the mode in which it was proposed to carry those arrangements into effect. It was proposed that on the trading of the Company ceasing, its territory should be made over to the King's sovereignty, subject to all the Company's liabilities—that the Company should make over to the King's Government all its assets, funds, &c., both here and elsewhere, subject, of course, to all the demands now outstanding against them—that, in return for these concessions from the Company and its proprietors the King's Government should take upon itself, on the part of the territory so vested in the Government, to provide for the payment of the dividends now due from it, to the amount of 630,000*l.* a-year—that it should also undertake to provide for those demands not chargeable on the assets, but on the territory of the Company — that, besides providing for this annual sum of 630,000*l.*, Government should provide a further fund of 2,000,000*l.* to accumulate for forty years, to pay off that annuity—and that at the end of forty years, the said annuity of 630,000*l.* should be redeemable at the rate of 5*l.* 5*s.* for every 100*l.* Their Lordships must now be informed of the degree in which these assets were likely to be available to the Government, and of the mode by which it was hoped that this arrangement would not be onerous to the Company's territory in India. He hoped that their Lordships would bear with him while he stated how the account stood of the Company's assets, and of the demands made upon them, and also whilst he stated the amount of the territorial revenue, and the chance that there would be a surplus after the annuity of 630,000*l.* was paid. Their Lordships would recollect, that the proprietors were to have an annuity of 630,000*l.* paid to them out of the territorial revenues, and also a guarantee fund of 2,000,000*l.* to accumulate for forty-years. Now, the Company's commercial assets, as stated by them, were valued at 21,645,557*l.*, including 4,811,000*l.* ad-

mitted to be due from territory and independent of their commercial property in India. To this sum was to be added for old claims due from their territory 8,616,113*l.*, making the total of their nominal assets amount to 30,261,270*l.* He had already anticipated one observation which he had intended to make on this subject. There Lordships were well aware that in the estimate of the assets of any individual there could be no certainty that their value founded on their original cost would subsequently be realized. He should be misleading their Lordships and the country, if he were to assert that this large amount of assets would be realized. What deductions must be taken from it was, of course, matter of uncertain speculation. But, on referring to the accounts to enable themselves to form a judgment on the point, their Lordships would see that a variety of deductions must be made, arising from the difficulty of disposing of the property, from the decay to which some of it was liable from the depreciation which was taking place in every species of security, and from the deterioration of many commodities now on hand. Now the assets here, according to the assumed depreciated value, were 12,970,036*l.* Besides this there was positively due from territory to commerce 4,811,000*l.* That made together a total of 17,781,000*l.* Suppose this to be realized in cash in May, 1834, at a discount of four per cent for a year and a-half, this will lessen it by 420,000*l.* and then there will remain 17,361,000*l.* For these assets the territory has to pay the guarantee fund 2,000,000*l.*, and as compensation to parties, 800,000*l.* This reduced 17,361,000*l.* to 14,561,000*l.* Now, the interest on that sum at five per cent, was 728,077*l.* The territory was charged with 718,000*l.* in this manner. There was 630,000*l.* available for dividends, and 88,000*l.* for the payment of the bond debts, making together, as he had said before, 718,000*l.* There was, therefore, on this point a surplus of 10,077*l.* of the assets above the charge. To this, as it was accumulating for the benefit of territory, should be added the interest of the guarantee fund, at $3\frac{1}{2}$ per cent, amounting to 61,000*l.*, so that he anticipated that there would be a clear annual surplus of 71,000*l.* odd arising from the assets over the charge. Their Lordships would also expect him to show that the territorial revenue of India was such as would allow the Government to provide for this additional charge of 630,000*l.* without imposing additional taxation. He would not trouble their Lordships by going through the details of the revenue accruing to the three presidencies; he would simply state the result of it on an average of three years, subject to the deductions arising out of the reforms ordered by the Court of Directors, and now he believed, actually in progress. The revenue of the three presidencies, on an average of the three years 1828-9, 1829-30, and 1830-31, are about 18 crores, 51 lacs of rupees. The probable future charge on them would be about 16 crores, 54 lacs. Thus there would be a surplus revenue in India of 1 crore 96 lacs. He could not pass by this part of his statement without expressing on the part of the Government, the great satisfaction, and he might say gratitude, in which he was certain their Lordships would participate which the Government felt to be due to the present Governor General of India, for the unremitting vigilance and energy with which he had carried into effect the regulations in favour of economy transmitted to him by the directors at home. He believed that owing to the exertions of Lord William Bentinck, the administration of our Indian possessions had been maintained unimpaired; and that if it were true, that "peace had its victories not less renowned than war," his Lordship had had a most victorious career in India. He believed that under the auspices of that noble Lord, there had been a safe and effectual reduction made in the expenses of the Indian Government to the amount at which they stood before the Burmese war—a war which had undoubtedly led to an increase of expenditure, but which had now ceased to press upon the revenue. But to return from this digression. From this amount of surplus revenue, namely, 1 crore and 96 lacs, were to be deducted eight lacs for the expense of remittance and other charges. This reduced the surplus to one crore and 88 lacs; but to this again was to be added the balance of three lacs of the Carnatic revenue above the interest payable to the Carnatic creditors, leaving final surplus of one crore and 91 lacs. Now, if this were remitted at 1*s.* 11*d.* the sicca rupee, it would produce 1,838,789*l.* From this were to be deducted

the territorial charges in England, excluding the expenses of St. Helena, which amounted to 1,640,000*l.*, leaving a final surplus of 198,789*l.* No man could arrive at arithmetical preciseness in calculations of this kind. It would be sufficient for him if he could show, that the territorial revenue of India, without any increase of taxation, would be able to meet the annual charge of 630,000*l.* to be now sustained by the British Government. He had stated his views of the different parts of this financial arrangement, and of the various grounds on which he ventured to recommend it to their Lordships. But he should be taking a very narrow view of this question, and one utterly inadequate to the great importance of the subject, which involved in it the happiness or misery of 100,000,000 of human beings, were he not to call the attention of their Lordships to the bearing which this question, and to the influence which this arrangement, must exercise upon the future destinies of that vast mass of people. He was sure that their Lordships would feel, as he indeed felt, that their only justification before God and Providence for the great and unprecedented dominion which they exercised in India was in the happiness which they communicated to the subjects under their rule, and in proving to the world at large, and to the inhabitants of Hindoostan, that the inheritance of Akbar (the wisest and most beneficent of Mahometan princes) had not fallen into unworthy or degenerate hands. Hence, it was important that when the dominion of India was transferred from the East India Company to the King's Government, they should have the benefit of the experience of the most enlightened Councillors, not only on the financial condition of our empire in the East, but also on the character of its inhabitants. He stated confidently, after referring to the evidence given by persons eminently calculated to estimate what the character of the people of India was, that they must, as a first step to their improved social condition, be admitted to a larger share in the administration of their local affairs. On that point their Lordships had the testimony of a series of successful experiments, and the evidence of the most unexceptionable witnesses, who had gone at a mature period of their life, and with much natural and acquired knowledge, to visit the East. Among the crowd of witnesses which he could call to the improveable condition of the Hindoo character, he would select only two; but those two were well calculated to form a correct judgment, and fortunately contemplated Indian society from very different points of view. Those two witnesses were Sir Thomas Monro and Bishop Heber. He could not conceive any two persons more eminently calculated to form an accurate opinion upon human character, and particularly upon that of the Hindoo tribes. They were both highly distinguished for talent and integrity, yet they were placed in situations from which they might have easily come to the formation of different opinions—one of them being conversant with the affairs of the East from his childhood, and familiarized by long habit with the working of the system, and the other being a refined Christian philosopher and scholar, going out to the East late in life, and applying in India the knowledge which he had acquired here to form an estimate of the character of its inhabitants. He held in his hand the testimony of each of those able men, as extracted from their different published works, and with the permission of the House he would read a few words from both. Sir T. Monro in speaking of the Hindoo character said :—'Unless we suppose that they are inferior to us in natural talent, which there is no reason to believe, it is much more likely that they will be duly qualified for their employments than Europeans for theirs, because the field of selection is so much greater in the one than in the other. We have a whole nation from which to make our choice of natives, but in order to make choice of Europeans, we have only the small body of the Company's covenanted servants. No conceit more wild and absurd than this was ever engendered in the darkest ages; for what is in every age and every country the great stimulus to the pursuit of knowledge, but the prospect of fame, or wealth, or power; or what is even the use of great attainments, if they are not to be devoted to their noblest purpose, the service of the community, by employing those who possess them according to their respective qualifications in the various duties of the public Administration of the country? Our books alone will do little or nothing; dry simple literature will never improve the character of a nation. To produce this effect, it must

'open the road to wealth, and honour, 'and public employment. Without the 'prospect of such reward, no attainments 'in science will ever raise the character of 'a people.' That was the sound practical opinion of Sir T. Monro, founded on his experience, acquired in every part of India, in every department of the public service. Bishop Heber, during his extensive journey of charity and religion through India, to which he fell at length a martyr, used these remarkable expressions:—'Of the 'natural disposition of the Hindoo, I still 'see abundant reason to think highly, and 'Mr. Bayley and Mr. Melville both agreed 'with me, that they are constitutionally 'kindhearted, industrious, sober, and peace-'able; at the same time that they show 'themselves, on proper occasions, a manly 'and courageous people.' And again. 'They are decidedly, by nature, a mild, 'pleasing and intelligent race, sober, 'parsimonious, and, where an object is 'held out to them, most industrious and 'persevering.' Their Lordships were therefore justified in coming to the same conclusion—a conclusion to which, indeed, they must come if they only considered the acts of this people in past ages—if they only looked at the monuments of gratitude and piety which they had erected to their benefactors and friends—for to India, if to any country, the observation of the poet applied—

"Sunt hic etiam sua præmia laudi,
Sunt lacrymæ verum, et mentem mortalia tangunt."

But however, much civilization had been obscured in those regions, whatever inroads foreign conquest and domestic superstition had made upon their moral habits, it was undeniable that they had still materials left for improving and ameliorating their condition; and their Lordships would be remiss in the performance of the high duties which devolved upon them if they did not secure to the numerous natives of Hindoostan the ample development of all their mental endowments and moral qualifications. It was a part of the new system which he had to propose to their Lordships, that to every office in India every native, of whatsoever caste, sect, or religion, should be by law equally admissible, and he hoped that Government would seriously endeavour to give the fullest effect to this arrangement, which would be as beneficial to the people themselves as it would be advantageous to the economical reforms which were now in progress in different parts of India. There were other changes in the domestic arrangements of India which it was proposed to make on this occasion, and which he would now proceed to explain to the House. Great injury was experienced in India from the variety of laws which prevailed there. Their Lordships would find testimony borne by the Judges of the Supreme Court, and by the local Judges in the interior of the country, to the difficulty which they experienced in administering a system of law made up of patches of Hindoo, Mahometan, and European laws, and of a quantity of local custom, which bade defiance to the most zealous efforts of those whose duty it was to administer full and impartial justice to the people of India. To expect that a code of laws could be framed to meet all the wants of a people so various in origin, habits, and language, would be a hope too sanguine to indulge; but that some assimilation might be made between those conflicting laws, and that it should be settled, where there were two clashing laws, which of them should in future prevail, was a task which Government should attempt to accomplish, and for that purpose it was proposed to appoint a Commission, consisting of individuals best acquainted with the laws, practices, and customs of India. He might be asked whether anything was to be done for the institution of trial by Jury in India; on that point he would not venture to give any confident opinion. That in some places, and to a certain extent, it might be introduced with satisfaction to the people of Hindoostan he was disposed to indulge a hope; and it was a remarkable circumstance in the history of that country belonging to its antiquities, that an institution, analogous not to the trial by Jury as we now have it, but analogous to the trial by Jury as it existed among us in its first elements, the *Pronchild* long prevailed in Malabar. He hoped that that element might be converted to an important use in the administration of the law in that country; and it was not inconsistent with this view of the question to mention that, in a country resembling India, and indeed forming part of it, he meant Ceylon, the trial by Jury had been introduced by Sir Alexander Johnston with great effect, and that out of it arose the abolition of slavery in that country. Their Lordships would also have to consider the best means of carrying into effect in India the

measures to which they had already agreed for the other parts of the empire, he meant the best means for the total abolition of slavery. He was aware that slavery in the east varied from slavery in the west, and that the abolition of it in the east might be attended even with greater difficulty than in the west; for slavery in the east was attended with circumstances of caste, &c., over which the dominion of law had hitherto been able to exercise but little influence. The abolition of slavery must, therefore, be made with the restrictions and concessions which the importance of the subject demanded, and for that purpose it was proposed to appoint a Commission of Inquiry. He had now gone through most of the proposed changes in the system; but there was another which he must mention, which referred to the better government of the north-western provinces—the newly-acquired territory. It was here necessary that a firm and effectual Government should be established, for, owing to remissness in the administration of justice, caused by the seat of Government being so far removed, much inconvenience and mischief had accrued. The time would more properly arise on the discussion of the Bill for entering into the details on this subject; he confined himself at the present moment to a mere general outline. With the exception of one other point he had now gone through his statement. That point referred to the spiritual welfare of the natives. It had been found impossible for one Bishop to get through the vast duties appertaining to his office, and it was, therefore, proposed that the two Archdeacons should share his labours with him. Government had another intention. It was intended that Europeans should be admitted to all the old settlements of India without licenses; but that licenses should be necessary to admit them to the new settlements. On account of this it was proposed to vest greater authority in the Council with respect to the exercise of the law. If Europeans were admitted, and if they flocked to that country, as he hoped they would, the result would be of the greatest advantage to the civilization of the vast population of India. They would introduce into that vast territory all the arts, and all the sciences, and all the advantages attendant on them that could be expected from this country, which was the spot in which all that related to civilization was concentrated; and that civilization would be diffused over the whole surface of India. It had been already seen that scarcely was the power of steam developed upon the Thames and upon the Clyde, than it was extended to India, and contributed to animate the waters of the Ganges. When such was the case—when inventions were communicated to so great a distance so speedily—it was natural to presume that the extension of science would be more rapid as the ingress of Europeans was more facilitated. Still it would be necessary, as Europeans were to be admitted to the old settlements without licenses, that they should be liable to some restrictions; and it was for that reason that more power was to be invested in the Government. All those that went to India could not expect to be as little liable to control as in their own country; they could not expect to live with the indigenous inhabitants of that country as they lived with those of their own country; they could not expect that the native population would conform to their habits; and they should expect to be obliged to conform to the laws that Government should think proper to frame for the control of Europeans, as well as of other nations. He would here close the observations that he had thought fit to make in furtherance of the Resolutions he had introduced. In making those observations he thought himself justified in travelling beyond, perhaps, the sphere he ought to have confined himself to, and for this reason, because he thought that their Lordships would be called upon to examine the whole of what he had alluded to. He was sure that the principles of those Resolutions, if they should be acted upon, would extend and be enlarged beyond bounds that could not be well calculated; and without being at all too sanguine as to the result of the following up those principles, without calculating upon any extension of territory through them, he was confident that the strength of the Government would be increased by the happiness of the people over whom it presided, and by the attachment of those nations to it. It was for this that he would conclude by moving that their Lordships would concur in the Resolutions that had been communicated to them. The noble Marquess, in answer to a question from Lord Ellenborough, begged to remind that noble Lord that what he had

said of the intention of adding additional power to the government of India referred only to the Supreme Government; that it was not intended to do so to other inferior governments. However, the intention formed no part of the Resolutions; it might be adopted afterwards, as might other changes independent of the Resolutions. But that would form a subject for future consideration and discussion.

The Resolutions having been read,

Lord *Ellenborough* said, the alteration to be made in the Supreme Government and Councils was a point of the greatest importance, and he was surprised the noble Marquess had not adverted to it before, and had not then fully explained the intentions of his Majesty's Government. Neither the noble Marquess nor the Government was aware, apparently, of the importance of it. It was much more important than those details into which the noble Marquess entered so much at length. He would request their Lordships to allow him to carry back their attention to the points first adverted to by the noble Marquess, and he should be as brief as possible on this part of the subject. When he proposed a Committee to inquire into this subject in the year 1830, he stated to their Lordships that the question with respect to the China trade was entirely one of finance, and their Lordships would have to consider whether the East-India Company could meet the territorial charge without the monopoly of that trade being preserved. If the Company could, the Legislature might deal with that trade as it pleased, if it could not, provision must be made for that charge by some other means. From the moment he entered into that office, which was connected with the government of India, his first object was so to reduce the expenditure of the Indian government as to place the freedom of the China trade completely at the disposal of Parliament. This also had been the earnest desire of his noble predecessor (Lord Melville), as well as of all his colleagues. He thought that in two years more they might have secured that object, and they would, in that event, have been prepared to make the same proposition with respect to the China trade as that now made. He did not, however, then, any more than now, anticipate from the opening of that trade so many advantages as were by some persons so sanguinely anticipated. The great benefit which he expected to result would arise from the extension of the circuitous trade through the whole of the East; but he did not expect a great increase in the export of British manufactures to China. The noble Marquess had referred to some official documents on the subject of the East India Company's trade, but the noble Marquess did not seem to be aware that the imports of the Company amounted to 4,500,000 dollars, of which three-fourths were in British manufactures. The imports of America were 20,000,000 of dollars, of which one-eighteenth only was in British manufactures. The importation of goods by America had of late greatly decreased, and he did not, therefore, expect a great increase of trade in consequence of the measure now proposed except in the general circuitous trade of the East. He did not think it would be very desirable or safe that the people of this country should, immediately on opening the trade, send out large quantities of British goods to China. This, however, would not be a matter of much importance, because the advantage would be the same whether the trade was carried on by British capital directly from this country, or circuitously through the whole of the East. There was a considerable trade in opium and in cotton; but with respect to other articles the trade had fallen off, and he certainly apprehended a considerable injury to British interest, should our merchants rush hastily into this trade. He would not enter into the question whether it was important or not that such an establishment as that of the Company should be maintained at Canton. He had never doubted that even trade to China might be carried on by private individuals in the same way as the trade to China was carried on by the Americans. He thought, however, that on opening the trade and in terminating the Company's monopoly, some preparation and prudence were necessary in order to render that a safe measure, and to avoid a crisis in the mercantile world. He saw as yet no plan proposed by Ministers for substituting without risk or inconvenience a private trade for that of the Company. From the sudden cessation of the Company's trade he apprehended great injury at Canton, and considering the quantity of tea at present in store, he was apprehensive that improvident importations on the part of individuals would be attended with great

loss to themselves, and with considerable diminution in the value of the assets of the Company, now to become the property of the Crown. The great object should have been to open the trade in such a way as was best calculated to prevent such consequences, and to effect it gradually, so as to benefit the private trader without injury to the Company. The noble Marquess had noticed the trade carried on by the Company with India, and had referred to that carried on by individuals, comparing one with the other, and proving that the latter had much increased; but the noble Marquess did not seem to be aware of the small increase in every other branch of traffic except that of cotton. The increase which took place in the importation of all other articles, in fifteen years subsequent to the last renewal of the Charter did not exceed 265,000*l.* in value. The increase in the cotton trade to India had, he admitted, been enormous, arising from the great reduction of prices; but while he looked with pleasure to the increase in the export to India of British manufactured cotton, he could not help feeling much regret, taking as he did a warm interest in the welfare of the inhabitants of India, that the increase in British industry had been the ruin of many natives. It was not all gain, it was a gain to British manufacturers, but it was ruin to those of India. He concurred with the noble Marquess in thinking that the government of India might be carried on without any extraordinary assistance from other sources besides the territorial revenue. The statements, however, of the noble Marquess upon this head seemed inconsistent with the Returns from the Company, and from the India Board which had been laid upon the Table. He was of opinion in 1830, and continued still of that opinion, that if the plan which the Government of that day meant to pursue had been followed up no assistance would be necessary. He was prepared still to support that opinion and to co-operate with his Majesty's Government in acting on it; but if it were intended as had been intimated in another place, to limit the control of Government to general matters, laying down principles but leaving the details to subordinate officers, he had no hesitation in saying, that ruin to the finances of India must be the result. He believed, in truth, that the total ruin of their Indian finances would be the consequence, and this country would be eventually called upon to contribute large sums to meet the deficiency. Every hope now entertained of the adequacy of the territorial revenue would then be disappointed. He would state the grounds upon which he anticipated, in 1830, a surplus of revenue. [The noble Lord here read an average account of the surplus of the Indian revenue for the three years preceding May, 1824 and 1829. The result of which was, that after deducting the charges upon the revenue, and allowing for the increase in the debt occasioned by the Burmese war, the noble Lord estimated the clear surplus at 150,000*l.*; but that he might not be accused of exaggerating the amount, he proposed to take it only at 100,000*l.*] He must, however, remind their Lordships that this surplus was calculated on the supposition that it would be possible to reduce all the charges in India to the amount at which they stood in 1824, and from which they ought never to have varied. On the contrary, he thought it possible to reduce the charges even below that amount. Speaking of the revenue of India in 1824, he could not avoid performing a passing act of justice to the Marquess of Hastings. That nobleman had proved himself to be both great in peace and great in war. Whilst he governed India he established the finances of that country on the soundest possible foundation, and he wished to God that that nobleman had continued to govern India to the present day. He believed that this surplus of 100,000*l.* would have been greatly increased by the improvement which had taken place in the state both of the ancient and new territories of the Company. There had been, it was true, a great falling-off in the revenue of late, not owing to the distress of the people of India, but to the great increase of cultivation, which reduced the price of produce so much as rendered it impossible to pay the whole money taxes. Besides this, he had in his mind other resources for increasing the surplus revenue of India. One plan was, to introduce into India the principle which had lately been acted upon in this country with respect to the mode of paying the judges. He proposed to give them and all officers of Courts of justice fixed salaries in place of fees and fines; and a Bill for that purpose was brought into the House of Commons by an hon. friend of his, which, however,

was not proceeded with. He likewise contemplated the reduction of a Judge at Madras, besides the one already reduced. From these resources he calculated that he should have been able to derive an annual sum of 50,000*l.* This was a large sum, but their Lordships should recollect that he proposed to get rid of one of the clerks in the Supreme Court at Calcutta, whose pay was greater than that of the Commander-in-chief. This gentleman received between 18,000*l.* and 20,000*l.* in fees. He had in view other reductions connected with the improvement of the Company's military forces, which, he believed, would have had the effect of removing every grievance at present felt by Europeans and native soldiers. He anticipated from these proposed alterations, besides an increased efficiency in the native army, an improvement in the revenue, in the year 1835, to the extent of 300,000*l.* Before he quitted office he had collected all the information necessary to enable him to carry these changes into effect, and he left behind him a minute on the subject, but it had not been acted upon by his Majesty's present Ministers. It was also intended by the noble Duke (the Duke of Wellington) and himself, to throw on the revenue of India the whole expense of the government of Ceylon, which would have afforded a relief to the finances of this country to the extent of 90,000*l.* His Majesty's present Ministers had, however, chosen to pursue a very different course, and had thrown the expense of the government of St. Helena on the finances of this country. The expense of the government of St. Helena and Ceylon together, amounted to 180,000*l.*, and a burthen to that extent had been thrown on the finances of this country, which would not have been imposed on them by the late Government. By these measures a surplus, amounting, if not to 150,000*l.*, certainly beyond 100,000*l.* would have been secured; but according to the noble Marquess's plan, no surplus was provided, but, on the contrary, there was a deficiency. He could not understand that part of the statement as to surplus revenue made by the noble Marquess. For his own part, he was guided by the estimates laid on that Table, as well as by those of the East-India House. He steered a medium course between the two; and he found that, after calculating by each, there would be a deficit—at least so he anticipated—of half-a-million a-year, for by the present plan no reduction whatever could take place. The charges of the civil Government of Bengal were, from 1824 to 1829, about 95,000*l.* a-year; now he felt it formerly possible to reduce every rupee of that by the surplus revenue that would have accrued from his plan, because, from his calculation, he would arrive at a surplus of 150,000*l.* From that a reduction should be taken in the shape of a payment to the Company for advances made by it in behalf of the territory. The surplus he spoke of was, of course, according to the plan intended by the late Government, of which he formed part. He would now show, that there could no surplus arise out of the plan proposed by the noble Marquess; and he said that confidently, when he considered the increased charges that would follow the Government plan He would presently show their Lordships that the noble Marquess's calculation with respect to the amount of assets was altogether erroneous. The difference between 630,000*l.* imposed on the territorial debt of India, and the interest paid off was 163,000*l.* The assets, therefore, would only enable the Government to pay off such an amount of the remittable debt as gave an interest of 467,000*l.* There was, therefore, a charge of 163,000*l.* still to be met. The compensation given to commercial servants of the Company amounted to 56,000*l.*, and the sum hereafter to be given would amount at least to 150,000*l.* It had been calculated at 200,000*l.*, but he preferred to take the lowest estimate. In addition, the Law Commission, composed of five members, each with a salary of 6,000*l.* a-year, would entail an annual expense of 30,000*l.* The Slave Commission would cost 30,000*l.* more. But this was not the whole of the expenses attached to those Commissions. They were to travel about the country, and must, of course, be accompanied by secretaries, and a numerous establishment of officers. Then there was the Governor of Agra with 10,000*l.*, and four secretaries with 3,000*l.* each; making a total of 22,000*l.* The three new Members of Council would occasion a further expense of 30,000*l.* and two new Bishops 10,000*l.* more. It was impossible not to perceive from the details of the plan that the Governor-General was not intended to be fixed at Calcutta; it was proposed to

make him a migratory Governor, and the lowest sum for which a Governor-General could travel through the country was 50,000*l.* The Marquess of Hastings expended no less than 200,000*l.* in the course of his travelling. But how was it possible for the Governor-General to migrate without a government? If he was to administer the government during his travels, he must carry with him secretaries and an establishment of officers equal to a subordinate Presidency; and then the expense would exceed all calculation. The result was, that instead of a surplus being secured, according to the plan of the late Government, there would be a deficit, and an expense of 546,000*l.* was incurred over and above the sum which would have been required if the course which the late Government proposed to follow had been adopted. He begged to suggest to the noble Marquess the propriety of discharging a portion of the non-remittable debt, instead of applying the funds at his disposal to the purpose of paying off the remittable debt. The noble Baron entered again into a variety of financial statements and calculations to justify the remarks he had just made.* The noble Marquess had alluded (the noble Lord continued) to the loss which the Company sustained from the mode in which their remittances were now made, which he calculated at 100,000*l.* He (Lord Ellenborough) would suggest, though he did it with diffidence, for he was not much versed in such matters, that the best plan to obviate that would be to convert the remittable into an unremittable debt, which might be done as it had been done before, by giving a trifling bonus. Losses to the amount of 10,000,000*l.* had been, within a few years, sustained in Calcutta in consequence of the mode in which business was now conducted. The consequence was, that credit was nearly extinct there. The plan he suggested would be a means of bringing capital into circulation in India, which might be advantageously employed in that trade from which the Company withdrew. The present Government, in the correspondence, took great credit to themselves for the compromise they effected. Without meaning the slightest disrespect to their talents for negotiation, he would take the liberty of saying, that that was not exactly the point upon which they

* We subjoin the document which the noble Lord principally made use of in establishing his financial views:—

Prospective Finance of India.

Average surplus of revenue after paying all charges in India and in England, 1821-2, 1822-3, and in 1823-4	£.898,000
But the surplus in the last of these years being only 340,000*l.*, the estimate is founded on that sum	340,000
Improvement of revenue up to 1828-9, as compared with average revenue of 1821-2, 1822-3, and 1823-4	800,000
This, without new charges, would give a prospective surplus of	1,140,000
But since 1823-4, the nett increase of the interest of the debt is	450,000
The advantage to India from the Board's rates of exchange, henceforth to be lost was, in the three years above compared (on the average)	444,000
The charge of the bond debt, henceforth to be thrown upon the territory, is	88,000
Together	982,000
Leaving a surplus of	158,000
The increase of the civil charges of India, from 1823-4 to 1828-9 (exclusively of all fluctuating changes and interest of debt), is	950,000
Deduct prospective deficit, being the medium between the estimates of the India Board and the Court	500,000
Surplus	450,000
Reductions since 1828-9, supposed to be wholly from civil charges	300,000
Surplus	150,000
Increase of revenue in Bengal, Behar, and Orissa, from 1809 to 1826.	
From Land	581,000
„ Customs	111,000
„ Stamps	200,000
In Seventeen Years	892,000
Per Annum	52,000
The estimated prospective increase of revenue in all the rest of India, per annum	48,000
Together	100,000
Assets	12,702,000
To be repaid by India in 1834-5	2,574,000
„ „ 1835-6	3,348,000
„ „ 1836-7	3,398,000
	22,022,000
Deduct guarantee Fund	2,000,000
Applicable to payments	20,022,000

ought to pride themselves. The concession which they flattered themselves they had exacted from the Company was a proposition which had been actually made to the late Government, and all that the present spoke of doing, their predecessors would have actually accomplished; but they would have done it gradually. It would have formed no part of their plan all at once to put an end to the trade with China—they were not altogether without apprehension, that in such an event there might have been produced such a change in the amount of the exports of this country as would have led to a crisis in trade, fraught with danger to the well-being of the commercial and manufacturing communities; and even at present he was by no means free from the apprehension, that the crisis then feared might yet take place. The object of the former Government would have been to induce the Company gradually to withdraw their assets from the China trade, and otherwise invest them; and that withdrawal, he did suppose, could be effected without loss or risk, provided it proceeded gradually. Had that been done they might have prevented the necessity of throwing upon the territorial revenue the loss arising from the cessation of the trade to China. With reference to one point which had been much insisted on by the noble Marquess, and by many political economists, he meant the injury arising from the union of the two characters in the Company of Sovereign and trader; he must observe, that all those difficulties had been much exaggerated. The Governor-General was not occupied in the course of the year twelve hours by the trading interests of the Company, and the Board of Control had nothing whatever to do with those interests. Those intrusted with the government of India, did not in fact meddle with the trade; and as far as he knew, there had been only one complaint of any misconduct on the part of the Company's officers towards an individual who might be considered as a trading competitor, and in that instance the injury was redressed. No other evil he conceived was done to the Company by its character of a trader in respect to its fitness for Government, than that of being obliged to make remittances which sometimes led to embarrassments, and such embarrassments were likely to be increased by the measures of his Majesty's Ministers. On a subject of such vast extent it was not improbable that he might have omitted perhaps some very important subjects connected with this matter. But he now approached that part of the question which was to him the most interesting, inasmuch as it deeply affected the future happiness of the people of India: he meant the effects of the proposed changes in the Government both in India and in England. And first as to the constitution of the home Government; could any man doubt, that when the East-India Company should be no longer a trading Company, when a large portion of its commerce was taken from it, and all the patronage connected with that trade, that a different class of persons would become proprietors of East India Stock, and that at no distant period these changes would lead to a material alteration in the character of the Court of Directors themselves? Now he was not desirous to see any diminution whatever

Charges thereon.	
1834-5	3,348,000
1835-6	3,398,000
1836-7	3,198,000
Remittable Loan (payable July 1836)	9,342,100
	19,286,100
Which deducted from	20,022,000
Leaves in hand on 1st May 1837	736,000

During 1837-8, will be received 3,198,000*l.* in repayment of advances in 1836-7.

Effect of Plan on Finances of India and of England.

By plan of late Government, Ceylon would have been transferred to India	90,000
By plan of present Government, St. Helena is transferred to England	90,000
Loss to English revenues	180,000
Debt imposed on India	630,000
Deduct interest of the remittable loan	467,000
New charge on India	163,000
Add compensations already granted to commercial servants	56,000
Do. to be granted (on estimate)	150,000
Five Law Commissioners	30,000
Five Slavery Commissioners	30,000
Travelling of the two Commissions	30,000
Three new Members of Council	30,000
New Government of Agra	22,000
Two new Bishops	10,000
Travelling of Governor-General	50,000
	571,000
Deduct St. Helena	90,000
Total new charges	£.481,000

in the real influence of the Court of Directors. He was satisfied that it was necessary to the system by which the Government of India was conducted that the Court of Directors should be composed of persons of high moral character, as well as of property, whose independence, and impartiality should be unimpeachable, and who should be able to deliver free and unbiassed opinions, and whose general conduct should afford t e strongest possible guarantee, that they would consult only the public interest. Their Lordships had some reason to imagine what degree of consideration would be extended by his Majesty's Government to the Court of Directors hereafter when they knew that no correspondence had taken place with that body upon the subject of these changes; and he believed that no persons were more surprised than the Court of Directors of the East-India Company were when those changes had been proposed to Parliament. What he apprehended was, that the constituency would in time be composed of persons wholly connected with India, and the result must be, that the Court of Directors would be similarly composed; and he looked to this as a calamity. He was by no means desirous that India should be wholly governed by persons who had retired from service in India, as he did not think this would benefit the people of that country. The feelings such persons had imbibed in India would predominate in the Court of Directors, and such feelings were not precisely those best fitted to promote the happiness of both countries. On the contrary, he knew, that the great advantage in the practical working of the present system was, that the Court of Directors, being partly composed of persons connected with India, and partly of merchants of the first eminence connected with the trade of this country, and influential members of society, an amalgamation of British and Indian feeling had taken place which had been highly beneficial. What had been the effect of this but a very useful distribution of patronage not confined to the sons of Indians, and imbued with all the prejudices of Indian society. That patronage had been extended to every class of society, and it had been exercised to the greatest benefit of this country and India. But it had been made subject of gratulation by his Majesty's Ministers, that by these arrangements the Court of Directors would have an interest which they never had before in the welfare of India, whereas the reverse was the case. Under the existing system, the Court of Directors were interested in maintaining the surplus revenue of India, for out of that the dividends were paid. It certainly had happened, that the revenue fell off in one year, when the Company fell back on the surplus revenue of the former year, and was able to pay the dividend. This was the first of those advantages of the present system, which was not of a visionary character. The Company derived part of its resources from its commerce; those resources enabled it to relieve the pressure upon India, and appear to its subjects in the character of a beneficent master realizing no other advantages from its superiority than those of a reciprocal commercial intercourse. The condition in which the Company would be placed now was in the undignified and not very popular character of mortgagees in possession. The government of India must, as a matter of duty, remit the dividends, cost what it might to the general character of the Company to levy them. He maintained, therefore, that the plan of his Majesty's Ministers placed the Company in a worse position relative to the people of India than heretofore. But, however important might be the changes contemplated in the constitution of the Government at home, he considered them much less injurious than the changes contemplated in the Government abroad. It was with great surprise that he had understood it had been stated, that the alterations in India were supported by the authority of every person of weight. Now, he confessed that when he had the honour to preside at the Board of Control, he had always thought that in matters of difficulty he could not act more usefully or safely than by requesting the opinion of Mr. Elphinstone. He believed, that every man, acquainted with India, would agree with him, that the opinion of this Gentleman was most valuable; and he could state, from the opinion of Mr. Elphinstone before the Committee, in answer to questions which were put to him upon almost every point on which alterations were now to be made, that his opinion was adverse to every one of these Resolutions. He staked Mr. Elphinstone's opinion confidently against the joint opinions of every man who had been examined before the Committee of the House of

Commons; and he thought it better to look to the opinion of a man of a most extensive experience and great ability, rather than to allow it to be outnumbered by the opinions of persons of little or no authority. Now, what was the first proposition of his Majesty's Government? Why, it was, that the Governors should have no Councils. He was well aware, that those councils were productive of delay and of difficulty, but their removal would constitute the Government of India an absolute Government, instead of being a Government of respondits. They had been placed there as a security against the abuse of absolute power; they had been placed there for the benefit and protection of the natives; and in abolishing them they removed the strongest guarantee for the good government of the people of that country. He cared not what theorists would advance on such a subject—they knew not man, or the nature of man, who supposed that absolute power could be exercised beneficially for a people, without being subject to responsibility and to reflection before it acted. But they proposed in this case, to take from the Governor his responsibility, and all necessity for reflection; nay, more than this. What were the future powers of the subordinate Governor to be?—Very small. Would any respectable man take the office? He was to be deprived of the power of legislation! of the power of expending a single shilling! and yet to the man so degraded, they were to leave the whole executive power of the Government, without that control with which the prudence and wisdom of former Parliaments had surrounded it. But what was the excuse for doing away with the Councils? It was said, that the subsidiary governments had been guilty of extravagance; but this was not true. They would see extravagance in Bengal, but not in the presidencies of Madras or Bombay. Look to the presidency of Bombay. Could any man suppose that that Presidency could be ill-governed which had been administered for six years by Sir Thomas Munro, by Mr. Elphinstone, and subsequently by Sir John Malcolm? But it was proposed, that a new government should be established in India, and the Legislature was to be vested in future, not in three (as before), but in six Members of Council in Calcutta, four to be officers of the four presidencies, the fifth to be a philosopher, and the sixth a soldier. In what manner could such a council be conducted? When the Government consisted of the Governor and two councillors, having the assistance of the Commander-in-chief, there was a possibility of conducting the Government. When the Commander-in-chief was present, if one individual in three agreed with the Governor, there was a majority in favour of his proposition, and it became the measure of the Government. What could be expected of this Legislature, which was to be formed of five lay Members, with the addition of the Commander-in-chief? The philosopher would be at the head of the opposition, and would endeavour to counteract, if he could not be, the Governor General. This might appear unimportant, but their Lordships might depend upon it, if the Government, which must be conducted with rapidity, was to be carried on by double the number of council, it would be a means of producing delay, and carrying confusion into every department. But what must be the consequence of those difficulties which would be experienced by the Governor General? He would leave Calcutta; it was the object of his Majesty's Ministers that he should leave Calcutta occasionally; and, like the ancient Caliphs, give laws from his stirrup, and live in his camp. Then, if the Governor General could find one obsequious man in the whole Council of Calcutta, to accompany him, the signature of that individual would give to whatever he might promulgate, the authority of an act of the Governor General in Council. Here again, the Government deprived him of that advantage which any man would wish to have, of communicating with able men, well acquainted with every part of the country, and of forming upon their opinions, and the facts stated by them, his own judgment of what should be the future measures of his government. With the assistance of this Council, the Governor General was to legislate for the whole of India. Could he legislate for distant places as well as if he were on the spot? Was it possible to legislate for the whole of India, fixed at Calcutta, so satisfactorily as a council living in the country where the laws are to be applied? No, certainly not. Legislation would be much better by a local, than by a distant government. In abolishing the councils of the several presidencies, those presidencies would be deprived of the advantage of having the

commander of the military force associated with the civil power. The consequence of that might be, a collision of the civil and military authorities. On a former occasion, the consequence was more than collision—it was mutiny and civil war. It was most unwise to dissociate the Commander-in-chief from the civil government. He laid that down as a safe principle; and he was quite sure, if their Lordships legislated otherwise, they would do serious mischief. But the Commander-in-chief would, according to the new plan, be Commander-in-chief of all the forces in India—from which no advantage would be gained in time of war, and great inconvenience would be experienced in the ordinary working of the system in time of peace. The power of legislation, however, was not only to be confined to the Governor General in council at Calcutta; but that power, in their hands, was to be more extensive than had ever yet been exercised. Now, the Governor General could legislate for the natives; hereafter he was to legislate for Europeans. He was to have the power of altering the laws by which the Supreme Court itself was established. Undoubtedly, the events which they had witnessed had made it necessary to define, perhaps to restrict, the jurisdiction of that Court. But it was established in India to protect the natives from the abuse of European power: for that purpose let it be upheld in all its original independence. Restrict its jurisdiction if the House would bring Europeans within its reach, but leave it as former Parliaments had placed it—as the only security which the natives possess against European oppression. The power given to the council, which, in effect, abolished the Supreme Court, astonished him. He did think that the recollection of former days would have so acted upon some of the members of his Majesty's Government, as to have made them desirous of retaining that Court which their ancestors had established; but instead of that, every security which had been hitherto given to the natives against European oppression, was at once to be swept away. Europeans, too, it seemed, were to have the liberty of going into the interior of India. But was it not known that, practically, all men of capital have long had that liberty? He would venture to say, that not a man hitherto in this country that could give a colourable pretext for going to India had ever been refused a licence to go there. It was a great mistake to suppose that capitalists went out to India. No British capital went out to India. The capital with which India was worked was capital raised by the civil and military servants of the Crown in that country. Another part of the plan was, to place all persons in India under the same law. He would say at once, that it would be utterly impossible to do that consistent with native usages and prejudices. If they were to alter the laws there so as to induce Europeans to live under them, they must, in doing so, violate all the prejudices and feelings of the natives; and, instead of producing satisfaction, they would excite abhorrence and disgust amongst the natives throughout the whole of India. It appeared, too, that they were to extend those beneficial measures to the slaves in India which were about being so happily settled with regard to the slaves in our West-India colonies. Now, what were called domestic slaves in India were not really slaves, they were called slaves because they had no other name for persons in their condition there; but their condition was that of the mildest state of domestic servitude. There were parts of India, no doubt, where the state of those slaves was of a more severe description,—in Malabar for instance; but then the noble Marquess himself admitted, that their slavery there was a slavery of caste. It would be a violent outrage on the feelings and prejudices of the natives of India thus to abolish all castes there, and to say, that slavery should no longer exist in that country. The attempt to establish such a state of things would lead most certainly to bloodshed in every part of India. In fact, it was insanity to make the attempt. Where, at all events, was the necessity for stating, in an Act of Parliament, that which the Government could do at any time without such authority,—namely, that by the 12th of April, 1837, every slave in India should be free? What was it but, in other words, to say, that there should be insurrection in every part of India? He would recommend their Lordships to attend to the discreet and wise advice of no less an authority than the late Sir T. Monro on that subject. [The noble Lord quoted an opinion of Sir T. Monro, to the effect that, by the gradual operation of justice and

policy, more good would be effected for the slaves in India than by the direct interference of the Government.] That, he observed, was a wise and considerate opinion, and entitled to the greatest weight, coming as it did from a man who was justly venerated as one of the greatest benefactors of the native population in India, and the ablest governor who had ever appeared in that country. He called on their Lordships to pause before they proceeded to do that which would go to shake the very foundation of our power in India, which would go to shake the confidence which every man there entertained in the justice and honour of the English Government. He felt deeply interested in the prosperity of India, and when he was a Minister of the Crown, filling an office peculiarly connected with that country, he had always considered it his paramount duty to do all in his power to promote that prosperity. He was as anxious as any of his Majesty's Ministers could be to raise the moral character of the native population of India. He trusted, that the time would eventually come, though he never expected to see it, when the natives of India could, with advantage to the country, and with honour to themselves, fill even the highest situations there. He looked forward to the arrival of such a period, though he considered it far distant from the present day; and he proposed, by the reduction of taxation, which was the only way to benefit the lower classes in India, to elevate them ultimately in the scale of society, so as to fit them for admission to offices of power and trust. To attempt to precipate the arrival of such a state of society as that he had been describing was the surest way to defeat the object in view. He never, however, looked forward to a period when all offices in India would be placed in the hands of natives. No man in his senses would propose to place the political and military power in India in the hands of the natives.

The Marquess of *Lansdown* observed, that what the Government proposed was, that all offices in India should be by law open to the natives of that country.

Lord *Ellenborough* said, such was precisely the proposition of Government, but our very existence in India depended upon the exclusion of the natives from military and political power in that country. We were there in a situation not of our own seeking, in a situation from which we could not recede without producing bloodshed from one end of India to the other. We had won the empire of India by the sword, and we must preserve it by the same means, doing, at the same time, everything that was consistent with our existence there for the good of the people of India. The present was a crude, ill-digested plan, the offspring of unfounded theories, formed by men who knew nothing of India, and who would learn nothing of India; and who expected that men possessed of all the passions which they themselves possessed, were to be governed like mere ciphers? Was it not folly to propose to give unlimited power to men who would not be called upon to reflect before they acted, and who would be placed in a position where all ultimate responsibility was taken away, as no records or minutes of their proceedings would exist? Such was the power that was proposed to be given to the governors in India. On those grounds he protested against the whole of the plan proposed by his Majesty's Ministers. He called on the noble Earl at the head of his Majesty's Government, in accordance with those sentiments which he had expressed twenty years ago on this subject, to join with him (Lord Ellenborough) in asking for time. He asked for no more. He merely asked for time, in order that the whole of this great question might be well and deeply considered, that they might have the advantage of learning the opinions of men of experience—of men connected with India, and intimately acquainted with its wants and with the feelings of its people on this subject—in fine, he called for time that they might not recklessly risk all that they possessed in India, losing, perhaps, the greatest and most glorious empire that had ever been won by the hands of man, and at the same time losing their characters as statesmen and as benefactors of the people whose dominion would thus irretrievably pass from their hands.

The Earl of *Ripon* commenced by complimenting the noble Lord upon the eloquence and research displayed in his speech, and then expressed his satisfaction that although Ministers were so obstinately ignorant, and had brought forward such a crude and undigested plan, yet that some part of it met with the approbation of the noble Lord. The noble Lord, with all his diligence of discovery, could have paid

but little attention to the mass of documents upon the Table, or he would have found that there was no part of the plan which had not received the deliberate sanction of a Committee, and that not a single principle had been adopted that had not the support of some adequate authority. It was satisfactory to find, however, not only that the noble Lord approved of some parts of the plan, but that he actually took credit to himself for having been disposed to originate something similar. Such was the case with the abolition of China monopoly. The noble Lord stated that the late Government were satisfied that the only circumstance that could justify the maintenance of the commercial monopoly of the East-India Company was the necessity of supporting the expenditure of the government of India from other sources than the territorial revenue of that country, and that he wished to reduce the Indian expenditure as much as possible, with a view to render the commercial privileges of the Company ultimately unnecessary as an aid to the Government expenditure. Now, he (the Earl of Ripon) thought that the financial condition of India was at present such as to justify Ministers in their plan, because there were reasonable grounds for expecting a surplus revenue. [The noble Earl here entered into a long detail of figures relating to the revenue and expenditure of the three presidencies, showing, in crores and lacks of rupees, sicca, and others, that there would be an available surplus revenue, after paying all charges, of 198,000*l.*] Such being the pecuniary means, which the noble Lord could not dispute, the noble Lord had proceeded to insist that the bargain with the East-India Company was improvident. He contended that it was a compromise between the State and the commerce; and the noble Lord had admitted, that if he had continued in office he should himself have brought it to a compromise. The noble Lord had suggested an application of the funds of the Company to the payment of the unremittable debt, and the conversion of the remittable into an unremittable debt. Undoubtedly, that suggestion was worthy of consideration, but to act upon it, belonged properly to those who would be at the head of the Indian government, and there was nothing whatever in the present plan, to prevent that suggestion from being acted upon. Leaving, however, the subject of revenue, he would proceed to refer to a few of the general topics introduced by the noble Lord in the course of his speech. The noble Lord objected to that part of the plan by which the Company were required to abstain from trade, and appeared to think that it would be better to leave them a discretion to trade or not, as the Company might think proper. Now, he thought, that the history of the Company's commercial operations did not warrant the supposition that, in the event of unlimited competition, they would be able to carry on trade with success. Competition in India had already utterly destroyed all the Company's profits, and they had, therefore, wisely abandoned the attempt to trade. Look at the situation of the China trade, which had ceased to be so advantageous to the Company, in consequence of the facilities they had themselves liberally afforded to private traders. Was it not, therefore, reasonable to suppose, when the trade should be opened generally, that the Company would be unable to carry on commercial operations with advantage? He said, therefore, that it would be more beneficial to the proprietors to be secured the payment of 630,000*l.* on the territorial revenues of India than to be left dependent on the fluctuations of commerce. The noble Lord said, that by the separation of their character of governors from their character of traders, the Company would be degraded: rather a singular proposition; but supposing the case to stand as stated by the noble Lord, it should be recollected that the noble Lord's own plan led gradually and eventually to a separation of the commercial and sovereign character of the Company. The noble Lord's own plan, indeed, was much the same as that of the Government, although he attacked them so violently; for though he said at one time that he would not deprive the Company of the power of trading as a Company, yet he should wish them gradually to withdraw from it. That would only be a postponement of the change; but the change itself was as certain with the noble Lord's plan as with that of the Government. The noble Lord then objected to the putting of the government of India under one Governor General, and giving him the superintendence of the whole dominion; and he called the plan mischievous; but though it was true that

Mr. Mount Stuart Elphinstone had objected to such a plan, yet it was recommended by the authority, (at least equal) of Sir John Malcolm, Lord William Bentinck, Sir Charles Metcalfe, and the three gentlemen — Messrs. Hill, Bayley, and Bax—to whom the consideration of the subject had been referred. All these were persons of great eminence and experience in Indian affairs. Ministers, therefore, were not liable to the sweeping censure cast upon them by the noble Lord. They had not proceeded on the crude and fanciful theories which the noble Lord imagined; they had consulted persons of authority, and had not acted without due inquiry and deliberation. The fourth presidency had been objected to by the noble Lord, but only on account of the expense; but if it should appear to be needful expense, it ought not to form an insuperable obstacle to its formation. That was not a new project, it had been suggested as early as 1808 by a gentleman of great talent and experience; and to him the reasoning of that gentleman appeared quite conclusive. Many circumstances connected with the geographical position of the north-western provinces of India rendered it necessary to have a vigilant and active government in that quarter, which formed the outwork of our Indian territories, and was the only point where there was a chance of the empire being successfully assailed. The noble Lord seemed to think it absurd to attempt to construct a general code applicable to people so different in manners, habits, and opinions, as those of our Indian territories; and he would admit that nothing could be more unwise than an endeavour to screw all persons within the operation of the same laws; but, nevertheless, there were a great number of general principles applicable to all, and it was desirable to assimilate the law and practice as it regarded them, as much as possible. To that extent only would the labour of the Commissioners go, and when it was recollected that all their recommendations would be referred to the authorities at home, he could not conceive that the Commission was liable, either on the score of principle or practice, to one reasonable objection. The noble Lord in other cases relied on the authority of Mr. Elphinstone, but on this point Mr. Elphinstone's opinion was decidedly favourable to the Government plan. With respect to the councils in the several presidencies which the noble Lord supposed were to be abolished, but the noble Lord had not understood the Government plan. The Government did not mean to say, that the councils should be altogether abolished but its object was to place the governor of each of the separate presidencies more immediately under the control of the Governor-General who would be competent with the sanction of the Government at home, to appoint a Council at each Presidency if he thought fit. It was not intended, therefore, unconditionally, to abolish the Councils, but to place them under the power of the Governor General. The noble Lord had treated that part of the plan which went to facilitate the introduction of Europeans into India with contempt. The noble Lord had described it as useless, because there was he said, now no obstacle to respectable European settlers in India. He did not mean to say, that there was any serious legal obstacle, but there were practical difficulties in the way of enterprising men, and he thought it was extremely desirable to facilitate by every possible means the introduction of European skill and capital into our Eastern dominions. He then could not agree with the noble Lord. Convinced of the advantage of introducing European skill and capital into that country, he apprehended that there was no danger of poor and idle adventurers resorting thither. It was a necessary consequence of the admission of Europeans to place them on the same footing as the natives, and under the same laws, with a view to prevent injustice. On reviewing the whole plan, he conceived himself justified in asserting that Government had not acted hastily or without extensive inquiry, and the advantage of much experience of the practical results of the renewal of the last charter. They had given to the subject the best consideration in their power, and had been actuated by no object other than an endeavour to combine justice to the body of the proprietors constituting the East-India Company in their commercial capacity with the happiness of those 60,000,000 or 70,000,000 of subjects who looked for protection to the British Legislature.

The Duke of *Wellington* said, that having been so long a servant of the East-India Company, having served so many years of his life in that country, having witnessed the benefits conferred by the Government now about to be put an end

to on the people of that country, having seen the operation of that Government at a period of his life when he was capable of judging of its character, having had reason to believe from what he saw then, and from what he had seen since, that that Government was the best administered, the most purely administered Government that ever existed—a Government that provided best for the happiness of the people committed to its charge—with such recollections and opinions deeply and unalterably impressed on his mind, it was impossible that he could be present at a discussion of a question of such a description without arresting their Lordships' attention for a short time whilst he delivered his opinions on the measure proposed by his Majesty's Ministers. At such a late hour of the night, when their Lordships were necessarily exhausted by the attention they paid to so interesting a topic, he would not follow the noble Marquess (Lansdown) into the consideration of whether a chartered Company which was to carry on the Government and the trade at the same time, was or was not the establishment best calculated to carry on the Government and trade of an Empire like India. That was not the question before their Lordships. When he heard such a discussion he could not but recollect what he had seen in that country; he could not but recal to his mind the history of the East-India Company for the period of the last fifty or sixty years; he could not but recollect the days of its misfortunes; he could not but remember the meridian of its glory, nor could he shut his eyes to the situation in which it stood at the present moment. He would not pretend to say whether there were forty, fifty, sixty, or a hundred millions of people under the British Government in India (for those extremes of numbers had been taken in the course of the Debate), but he would say, that there was an immense population, and that the revenue amounted to 20,000,000*l.* per annum, and that after the Company had been engaged in wars during the whole term, or a greater part of the term, of a century, they had a debt which amounted to only the sum of forty millions sterling. He was willing to acknowledge that even such a debt was not desirable; but still he maintained that it was deceiving the people of England to say, that a Company that had thus conducted its affairs was unfit for the functions of Government, or unfit for the management of commerce. This Government, which had been thus administered for so many years, was at last to be put down by the proposed arrangement, and the people of England were to be taught, that it was a Government neither calculated for trade nor for general control. The East-India Company had shown the situation in which they were after all the circumstances of their history. He would admit with the noble Lord who had last spoken, that the Legislature had always retained the power of revising the institutions of the Government of India, and for the carrying on the trade of the Eastern dominions of the Crown; but it was evident that the Legislature had never lost sight of one thing, it had never forgotten that the Company had a Charter to be considered in all future arrangements. The present plan paid no such respect to former stipulations. They reversed the situation of the Company; they altered entirely all the relations in which the trade stood, not only with respect to the East-Indian revenue and finances, but likewise with respect to this country, and to the local interests of great towns, such as London, in which the trade was established. There could be no doubt whatever, that the alterations now to be made in the situation of the Company did very much reduce its power; which however had been reduced for twenty years past. Let their Lordships but look at the state of a Company at the head of a capital of from twelve to fourteen millions. Any body of persons carrying on a trade with such a capital in this town must have been possessed of enormous patronage, which must have rendered it a great and independent Company, and much more independent than it could ever be again. It would never have the same power in relation to his Majesty's Government that it had had; and what was yet worse, it would not have the same power in relation to its old servants. It was no longer in the same independent, respectable, and influential situation in which it had existed for so long a period. These considerations he deemed to be of extreme importance, and he trusted that they would have their weight upon that House. He would now beg leave to remind their Lordships of one curious part of the proposed transactions. If their Lordships would read the correspondence they would see that the Company

in future were to be bound, as a matter of course, to sign any despatch which might be sent to them; and this the Company were to do, not directly or by themselves, but by a signing officer to be appointed for them, and for that purpose. He begged to remind the House that the same proposition was made to the Company so far back as the year 1784, when Mr. Pitt had recommended the arrangement, and the Company had not only refused to adopt it, but had successfully resisted the proposition. Notwithstanding this, upon the present occasion the proposition must be adopted, and the Company would have no option but to be placed in the situation of implicitly obeying whatever his Majesty's Ministers might be pleased to direct. He would put one question of some importance to his Majesty's Ministers. He would ask, was it intended, or was it not, that the Company's trade to China should be finished at the present moment, or was it intended that it should go on until April 1834? This would make a great difference with respect to the finances of the Company. The question would affect a great number of chartered vessels. It was absolutely necessary, as well for the Company as for the private trader, that this matter should be speedily settled. Look at the consequences of this transaction with reference to the city of London itself. The East-India Company was a body trading on a capital of about fourteen millions sterling. Great as was the city of London, in relation to the kingdom, important as it was in relation to the whole trade of the community, would any man venture to say, that the withdrawing of such an immense trading capital from it, would not most seriously affect the inhabitants of the metropolis? The residents of Poplar and of that neighbourhood depended entirely on the business of the East-India Company, and many thousand persons were employed in different grades in the Company's service. It was impossible then to put down this trade without creating the most extraordinary distress, and their Lordships heard of the distresses of the industrious classes every day which were occasioned by such sudden, unexpected and unnecessary destructions of trade, or alterations of the long-established channels of commerce. It was his opinion that the Government ought to have endeavoured to prevail on the Company to continue their trade to China as a Joint-Stock Company. The Government ought also to have relaxed the Commutation Act, and adopted other means to induce them to carry on the trade. It was true that the people of this country were desirous of participating in the trade with China, but still they had never expressed a desire that the Company should not likewise participate in that valuable commerce. Had the Company been relieved of the oppression of the Commutation Act, and obtained their fair and just chances of success as free traders, he was confident that neither the Company nor the country would have objected to the proposed arrangement, and that arrangement might have been pressed with advantage to both parties. But the noble Lord who spoke last asked how the Company were to continue to pay their dividends? Why, supposing their trade to have gone on as badly as it could have done, their dividends would have been secured to them by the saving of expense in the Government of India. One of the worst parts of the plan was, that the Company would have to draw their dividends from India. That necessity would tend to increase the sums annually to be brought home in the shape of remittances to such an amount as could not fail to prove vastly inconvenient to commerce. It was, as had been before observed, remittances which principally occasioned inconvenience to commerce. The noble Marquess in opening his case, had dwelt much on the state of the finances of India, and had referred to various documents to show the state of those finances. As unfortunately the papers to which the noble Marquess had so referred were not on the Table of their Lordships' House, it was out of his power to form an opinion of their accuracy, and he had been unable to follow the noble Lords' in their statements, but, from calculations that he had himself made, he was confident the noble Marquess had much underrated the amount of these deficiencies. From his calculations he was ready to contend, that, from the new arrangement about to be made, it would be necessary to remit more than 2,700,000*l.* a-year, which would press greatly and injuriously on the trade of that country, particularly if the remittable loan were not paid off. The noble Lord opposite had stated that he, (the Duke of Wellington) had intimated to the Directors, that if they could not carry on the Govern-

ment of India in any other way, they must do so by borrowing. That certainly was not the view which he took of the question. He admitted that borrowing might be resorted to if a necessity existed, but he thought it had been resorted to, to too great an extent already. There was, however, another mode by which the Government could be carried on without borrowing, and that was by a reduction of every expense which was not absolutely necessary. He had already stated he was confident that the arrangements made for carrying on the Government of India at home were calculated to deteriorate the authority of the East-India Company among their own servants in India; and he felt further bound to tell their Lordships that he considered that if such an arrangement took place it would prove ere long highly detrimental to Great Britain in the legislation of India. He cordially agreed with his noble friend who had spoken second in the debate of that evening, that the effect of all the arrangements in the Government of India would be found prejudicial to any interests reserved to the Company. The appointment of Councillors by the Court of Directors had been always considered by the East-India Company as one of the means by which they were enabled to exercise a moderate degree of influence over the Governor. These appointments, however, he found were to be no longer made by the Court of Directors; and when, in addition to that circumstance, he found that their appointment was left altogether with the Governor General, the very individual whose proceedings they were originally intended to control, and moreover only to be appointed when such Governor General thought fit, he confessed he felt much alarm for the general success of the Indian Government. From experience he knew the vast importance of having a responsible authority in each of the subordinate Governments, and the necessity that every proceeding relating to such Governments should be put upon record, and therefore he was the more urgent in calling upon his Majesty's Ministers to pause ere they deprived the general Government of India of the check which those Councillors were upon the proceedings of the Governor General. He would also beg to impress on the Government the danger of destroying the principle of "the Governor in Council." All the acts of the Governor General ought to be of the Governor in Council; and when he differed from the opinion of the members in Council, he was bound to state his reasons in writing; and if they still differed, he was authorized to act on his own responsibility; but this statement of his reasons brought the whole of his acts under the consideration of the court at home. If, however, the Governor had to appoint his council at will, there would be less chance of their differing, and of course fewer opportunities of bringing their acts under the view of the Directors. He must also object to that part of the arrangement which made the other presidencies dependent on that of Bengal. It had been stated in the course of the debate that the Governments of Fort St. George and Bombay had been the causes of all the extravagances in the general Government of India, and that they ought to be abolished. Government proposed to diminish their authority. It was true that the resources of Bengal were those which kept up the whole machinery of the Government of the country, but he took upon himself to deny—and having served in both the Government of Fort St. George and Bombay he trusted his denial would have some weight—that anything like extravagance had or indeed could take place in the management of either of those Governments. In proof of that assertion he might mention that, while serving in the Government of Fort St. George, although in command of 60,000 men, he had never incurred the expense of one shilling beyond the regulated expenditure without recording every such expense, and leaving to the Governor to judge whether it was proper or not that such expenditure ought to be incurred. Had he not done so, he should have been obliged, by the regulations of the Government to meet all the charges for it out of his own pocket. People might talk of the necessity of having checks to expenditure, but he defied any one to point out how a stronger check than that to which he alluded could be imposed. If, then, no proof of extravagance could be made out as against these presidencies, he would strongly advise Ministers to consider well before they decided upon diminishing their authority. The great advantage which they offered was, that if any insurrection took place in their parts of the country, they at once supplied a sufficient force to quell it. Supposing the presidency of Fort Saint George to be abolished, what

would be the consequence should an insurrection take place within its present district? Why, it would take three months before a competent force could be obtained from Calcutta; and yet it was supposed to be economical to deprive those presidencies of their local authorities, and to establish a despotic power over them in the hands of the Governor-General. It was likewise understood, that the nature of the office of Governor-General was to be entirely changed. On that point, he had only to say, that he had seen a great deal of Governor-Generals, and had also means of judging of the nature and extent of the powers intrusted to them, and the result of his observations was a conviction, that they were vested with as much power as they could desire to have, or could exercise with satisfaction to themselves or those under them. There was another part of the measure, which he felt it his duty to entreat Ministers would consider of before they adopted it; that was, the separation of the province of Bengal from under the immediate care of the Governor-General, giving it a Governor and Presidency of its own. The province of Bengal was the source and spring of the power of India, and should be never lost sight of by the government of that country. As well might the noble Earl think of remaining first Minister of the Crown, without the control over the Treasury department, which he now exercised as its First Lord, as the Governor-General of India think of carrying on his government with a separate power to administer the province of Bengal. Let them look to that province with reference to its trade, to its agriculture, to its population, or to its finances, and they would find it more productive in each of those respects than all the other Presidencies put together. It was, in fact, the source on which the government of India had to rely for every thing, and should not, under any circumstances, be lost sight of. He next came to speak of the power with which it was proposed to intrust the Governor-General of legislating for India. That power he thought would be too extensive to be hastily intrusted to any individual, more particularly as it was to be so exercised, subject only to the control of a Council under the appointment of that individual. The object for which that power was to be intrusted had reference, he believed, to the expected increase in the resort of British subjects to India. Now, if there were any one point in which all parties had agreed, and he made this assertion from a perusal of the evidence taken before the Committee which sat to inquire into the subject in both Houses of Parliament, it was, that the natives of India should, as much as possible, be employed in the revenue and judicial establishments of the country. That point was again and again impressed on the attention of Ministers in the evidence of last Session, and so likewise was another point to which he begged to direct attention—namely, that Europeans ought not to be allowed to resort to the Indian territory, as, by doing so, they invariably became an impediment to the employment of natives in judicial relations. He would defy the Governor-General or any other authority, to employ a native in any judicial establishment in which it was possible to employ an European. One thing on which the noble Lords opposite calculated as a result of their plan was, that large capital would be applied in carrying on trade in India. It was true, that large sums had been embarked in the cultivation of indigo and of sugar; but let it not be imagined that all the capital so embarked, was the property of the persons immediately engaged in those speculations. The money was, for the greater part, advanced by the houses of agency in India, and was, in general, the savings of the civil and military servants of the Company, who foolishly placed it in such houses, and were thus, by their misplaced confidence, deprived of the hard earnings of a long service in the country; but noble Lords might depend upon it, that men of large capital would not go out and risk that capital in speculations which would be unsafe—and certainly it would be unsafe to embark large capital in such speculations in India. He must express his regret, that the advice of the late Sir John Malcolm had not been taken, of constituting an independent body in London, representing the interests of India. Such a body would be an effectual check on the acts of Government with respect to India; but he was sorry to see, that, instead of making the only body of men which did represent Indian interests independent, this measure would take from them much of the power and influence which they now possessed.

The Marquess of *Lansdown*, in reply, begged most positively to deny, that either he or any of his noble colleagues, had declared that the Company had ever shown

itself unable or unfit to govern India, and the noble Duke in so saying had, unintentionally, no doubt, wholly misrepresented what he had said. So far from having said or thought anything of the kind, he had most fully admitted the great ability of the Company in governing India, and the credit which was due to them in having reared up so many able servants, who had shown so much fitness for governing that country. He had admitted, that under the government of the Company, the condition of the people had been greatly improved, and that they had been made comfortable and happy, to an extent which they had not experienced under any former government. He was anxious to set himself right with the noble Duke and with the House on this point. There was another part of the noble Duke's statement, which he owned had surprised him not a little. The noble Duke had expressed his regret, that the appointment of Members of Council should be taken from the Court of Directors, and vested in the Governor-General. The noble Duke must have seen some very erroneous copy of the Bill, when he stated this to be a part of its provisions, but he was surprised that the noble Baron (Ellenborough), who had seen the Bill, had not set the noble Duke right on this point; for in the Bill it was distinctly stated in two parts of it, that in every government in which a President was to be appointed, the government at home would have the right to appoint the Members of Council. The noble Baron complained of the degradation of the Company; but what was the situation in which the noble Baron would place the Company. The noble Baron proposed, that the Company should continue to trade as a Company, although it was admitted that, both at Canton and in London, their trade for the future was not likely to prove beneficial to themselves. Indeed, it had been distinctly proved, that, for several years past, their trade had been rapidly on the decline. What, then, would be the situation of the Company, if the noble Baron's plan were adopted? Instead of having the lien which it was now proposed to give them on the territory of India, it would have to depend entirely upon the surplus revenue of which the noble Duke had spoken; and if that surplus revenue should not be realized, which the declining state of the trade rendered extremely probable, the Company would have, hereafter, to come to Parliament *in formâ pauperis*, and to beg for the adoption of some measure which should relieve it from the difficulty of its situation. Whether this would be more consistent with the dignity of the Company than the position in which this measure would place them, he must leave it to their Lordships to determine. What was it that Government proposed? A measure which secured to the proprietors the whole of their dividends, independent of Parliament and the Government; which gave to them a lien upon the territory of India; and at the same time constituted in opposition to what the noble Baron had said, a great interest in the proprietors of Indian stocks. By this arrangement, the Company would be left to administer the government of the country solely for the benefit of the country, and not from any more sordid motive—which, notwithstanding every thing that the noble Baron had said, had undoubtedly mixed itself up with the administration of the affairs of India. He was surprised to hear the noble Duke represent these Resolutions as calculated to inflict an unjust loss on the city of London. He had never heard that the city of London had a monopoly of the East-India trade. He admitted, *ex necessitate rei*, that whilst the East-India Company had a monopoly of the trade to the east, the tradesmen and shopkeepers of London must have benefited by it; but he had never yet heard that they had an exclusive right to it. That the merchants of Liverpool, the manufacturers of Manchester, the warehousemen of Glasgow, had not a right to share in the advantages of this trade, was an assertion he had never heard doubted. The city of London had made no complaint of this injury, and he had no doubt that the citizens would readily admit that every village, town, and outport in the kingdom, had as equitable a right to a share in this trade as they themselves had. The noble Duke adverted to the injury arising out of the difficulty of remittances from India, which the noble Duke thought had affected the trade of the Company. It appeared that the East-India Company had been obliged to rely hitherto, and up to this time, upon the assistance of private merchants, in bills, in carrying on the trade to Canton. But, without relying upon that instance, he would, upon general principles, say, that by whomsoever the trade might be carried on—whether by a Company, or by individual merchants—there would arise a

necessity for the same number of bills to be obtained in the market; and these bills would be applicable for remittances to the same extent as before, or even to a greater extent. When the noble Baron talked with something like contempt of the application of general principles upon a subject of this kind, he should be reminded that the arguments which he had used upon the subject were precisely, *totibus verbis*, the same arguments which were used against the admission of the private trader in 1813; and that sneers against the philosopher who advised the introduction of the private trader, were then employed by others from whom the noble Baron seemed to have borrowed them. The noble Baron deprecated theories and theorists, in precisely the same words, and with exactly the same confidence, as his predecessor in 1813, with respect to the success of the private trader in India. The private trader was, however, admitted, and what had been the consequence? Why, that he had completely succeeded and had beaten the Company; notwithstanding the privileges it still retained. While the latter had been declining, the former had gone on progressively increasing; so that the Company had little trade left, the private trader having engrossed it altogether. The noble Duke had alluded to some imputed misconduct of the indigo planters. Now, he denied that misconduct, on the authority of a report of the Magistrates appointed by the East-India Company to inquire into it. Those Magistrates were hostile to the planters, and would have condemned them if they could. But after they had inquired into 437 cases, they stated, that they found the presence and industry of these indigo planters to be beneficial to the country. The noble Duke had expressed also a great deal of apprehension at the proposition for allowing the free access of Europeans into India, who, he says, are not very likely to submit patiently to the control of natives. Upon this point, they had the distinct opinion of persons who had presided over the Local Courts in the distant provinces of India. The noble Duke attached so much importance to this part of the subject, that he must beg leave to trouble their Lordships with a few lines from the authority of the Chief Justice of the Supreme Court of Bengal, who said, 'We leave the European owner, or occupier of lands, or the 'manufacturer, at great distances from 'Calcutta, amenable only to the jurisdiction of the Supreme Court, or subject 'only to the Mofussil Courts, with the 'limited powers which they at present 'possess—a system which would tend to 'such a system of fraud and injustice, and 'leave the natives so entirely at the mercy 'of the settlers, that I think it would be 'an insuperable obstacle to the allowing 'of Europeans to settle in the interior. I 'am, therefore, satisfied, that all persons 'in the interior of the country must be 'subject to the Courts of the district in 'which they reside.—The great extension 'of the British territories since the Charter 'of 1784, has given to the Court a range of 'jurisdiction which, at places remote from 'Calcutta, can only be considered a 'mockery of justice, if it be not the means 'of fraud and oppression. There can be 'no doubt, therefore, that difficulties and 'inconveniences are constantly arising 'from the undefined and uncertain state 'of the Court's jurisdiction, which are 'alike perplexing and harassing to the 'suitors, the Judges, and all who are concerned in the administration of justice.' He might add to this the authority of Sir Charles Metcalfe, who had been eulogized in high terms by the noble Baron, but in no higher terms than he deserved, and who had expressed his regret that the Supreme Courts had thrown any obstacles in the way of the settlement of Europeans. Sir Charles said, 'I have 'long lamented that our countrymen in 'India are excluded from the possession of 'land, and other ordinary rights of peaceable subjects. I believe that the existence of these restrictions impede the 'prosperity of our Indian empire, and of 'course that their removal would tend to 'promote it. I am also of opinion that 'their abolition is necessary for that progressive increase of revenue, without 'which our income cannot keep pace with 'the continually increasing expense of our 'establishment. I am further convinced, 'that our possession of India must always 'be precarious, unless we take root, by 'having an influential portion of the 'population attached to our Government 'by common interests and sympathies. 'Every measure, therefore, which is calculated to facilitate the settlement of our 'countrymen in India, and to remove the 'obstructions by which it is impeded, must, 'I conceive, conduce to the stability of 'our rule, and to the welfare of the people

'subject to our dominion.' That was the opinion of Sir Charles Metcalfe, who certainly was not one of those persons whom the noble Baron would class as theorists. As to the division of the governments, that did not form part of the present Resolutions, but would become the subject of consideration in a future bill. The necessity of providing a separate government for the north-western provinces was universally admitted. He was inclined to concur in the opinion, that Calcutta should remain the principal seat of government in India, but he saw no inconvenience in forming a fourth presidency. There was no intention to disturb the councils as they existed at present, or the right of the directors to appoint whom they please to those councils; and he fully agreed with the noble Duke, that those councils should be councils of record, and that when any measure of sudden emergency was required, those who dissented from its propriety should state their objections in writing.

Lord *Ellenborough* in explanation, said, that unless the speech of the right hon. the President of the Board of Control had been most strangely misrepresented in all the ordinary vehicles of public information, he had stated, that it was his intention to abolish the subordinate councils. He (Lord Ellenborough) saw in this bill that the Governor-General was to have an executive power. By a subsequent clause the directors were to have power to appoint the members of the council, but the clauses which came after that were so worded, as to suit a government either with or without council. Seeing that the right hon. Gentleman had never complained of the received version of his speech as a misrepresentation, and that the Bill had been so worded as to suit a government either with or without council, he had fallen into the error on which the noble Marquess had animadverted.

The Marquess of *Lansdown* could undertake to say, without consulting his right hon. friend, that the report of his speech must be incorrect, for it had always been intended that the Court of Directors should have power to appoint the members of council. He would take that opportunity to mention a circumstance which he had forgotten to state before, and that was, that a noble Marquess who had conducted the government of India with no less renown to himself than benefit to the empire, the present Lord High Steward (the Marquess Wellesley) had carefully considered the principles of the plan, and had authorized him to say, that had he been able to attend in his place, which he was prevented from doing by indisposition, he should have expressed his entire concurrence in these Resolutions.

The Resolutions agreed to.

HOUSE OF COMMONS,
Friday, July 5, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. OLIPHANT, an Account of the Sums of Money paid by each Borough in Scotland to the Convention of Royal Burghs, during the last ten years, and how that Money is Expended by the Convention.—On the Motion of Mr. GALWAY, an Account of the Number of Mail Coach Guards appointed in Ireland, during the last two years.—On the Motion of Mr. SPRING RICE, the Number of Passengers by the Holyhead Packets, for six Months, to the 1st June, 1833, and during the same period in 1832: also the Amount of Duties received on Stage Carriages, from 5th December, 1831, to 5th May, 1832, and the same for the following year.—On the Motion of Mr. O'DWYER, the Names of the Clerks of the Roads in England and Ireland, their Salaries, and Emoluments.—On the Motion of Mr. Alderman WOOD, the Amount raised for the Church, and Poor Rates, and Tithes, by each Parish in the City of London, during the last three years.

Bills. Read a first time:—Bank Charter; and Slavery Abolition.—Read a second time:—Public Works; Exchequer Bills.—Read a third time:—Parish Apprentices; Artillery Pensions.

Petitions presented. By Mr. O'FERRALL, from two Places in Ireland, against Tithes.—By Mr. G. W. WOOD, from Owners of Cotton Mills at Prestwick, against the Factories' Regulation Bill.—By Mr. M. ATTWOOD, from the Shipwrights of Whitehaven, against the Privileges of the Isle of Man.—By Lord ASHLEY, from a Number of Places, in favour of the Factories Regulation Bill.—By Mr. M. ATTWOOD, from Preston-cum-Sutton, in favour of the Lord's Day Observance Bill.—By Lord TULLAMORE, from Falmouth and Penryn, against the Notaries Public Bill.

CHURCH TEMPORALITIES (IRELAND).] The House immediately on meeting at twelve o'clock this day, resolved itself into a Committee on the Church Temporalities (Ireland) Bill.

The debate on Clause 50 was resumed.

On the question of reducing the incomes of all future Bishops of Derry to 600*l.* a-year,

Mr. *Shaw* said, that he considered it a matter of no great importance whether the future revenue of the bishopric of Derry was 8,000*l.* or 6,000*l.* a-year. He thought the principle of reducing the incomes of the Bishops to fixed salaries was in itself objectionable, although he would greatly prefer it, as a choice of evils, to a reduction of their numbers, which he could not too much deprecate; however, the Amendment of the hon. Member (Mr. Evans) involved no principle which the clause had not previously contained. It was a mere question of degree, between 8,000*l.* and 6,000*l.*, and therefore he (Mr. Shaw) would not

oppose it. He certainly had always understood, that whatever was to be the ultimate arrangement with respect to the revenues of the see, the present Bishop had taken it subject to that arrangement. While he could not agree in the extravagant praise which had been lavished on the Bishop of Derry's political creed, at the expense of the rest of the episcopal bench, by the hon. member for Dublin (Mr. O'Connell), he had every respect for the personal character of that right reverend Prelate, and would not object to any peculiar advantage the present Bishop might derive from the operation of the Amendment, being only prospective.

Mr. *Sheil* asked, what was the amount of patronage to be added to the see of Derry in consequence of the other see merging into it. The Government apparently reduced the income of the Bishops, while they doubled their patronage, thereby affording them additional means of providing for their families. He thought the patronage of the suppressed bishoprics ought to be vested in the Crown.

Sir *Robert Inglis* said, that much as he was opposed both to the principle as well as the details of the Bill, he was yet bound to state, that his Majesty's Government had shown a very disinterested feeling in one respect. It was evident, that they might if they pleased have transferred the patronage of the suppressed bishoprics to the Crown. Such a course would have rendered the measure so much the worse, that he (Sir Robert Inglis) could not but feel grateful to them for allowing the patronage to remain with the Bishops.

The Amendment was agreed to, and the clause ordered to stand part of the Bill.

On the 89th Clause being read,

Mr. *Finn* proposed, that a clause should be introduced between 88 and 89, to the effect, that in all cases in which the value of a benefice should amount to the sum of 500*l.*, the salary of the curate employed by the rector should not be less than 100*l.*, to be paid out of the said benefice.

Dr. *Lushington* said, that in point of practice the adoption of the clause would rather be injurious than otherwise to the class of persons whom it was intended to serve. He apprehended, that as the law stood the Bishop had a power of fixing the remuneration of the curates in his diocese. The rector would decline making any agreement with his curate if the income of his parish did not yield him a sufficient return to pay it; he would drag on in the business himself, perhaps with all the disadvantages of old age attending his exertions; and then the Church would be injured by its service not being properly performed, and the curates would be unemployed.

Mr. *Sheil* said, that the opinion of a Gentleman so closely connected with the Established Church as the hon. and learned Gentleman (Dr. Lushington) opposite must be received with respect. But he (Mr. Sheil) submitted to the hon. and learned Gentleman himself whether it might not be, that as objects might be sometimes so close to the eyes as not to be seen, so the hon. and learned Gentleman might be too close to the Church to take so telescopic and comprehensive a view of its interest as others who stood in a position of less proximity. Surely, if a rector received an income of 500*l.*, an educated Gentleman assisting could not be considered overpaid by a salary of 100*l.* Surely 400*l.* was quite as ample for the support of the rector as 100*l.* for that of the curate. In the Scotch Church there were very few clergymen whose income came up to 400*l.* a-year. Indeed he believed, that most Scotch clergymen would consider 400*l.* a-year a very peculiar godsend. Now, although he dissented from the doctrines of that Church, he considered its pecuniary condition to be very apostolical. It was to be recollected, too, that the curate could marry; and they had heard the other day a great panegyric upon the marriage of clergymen, and a censure upon celibacy. There was a long and pathetic expatiation from the other side of the House upon the wants and necessities of Gentlemen of education with large families, and of the most distinguished virtues, in the situation of incumbents; but the compassion of the other side did not extend to the curates. He thought it necessary to compel the rector to give 100*l.* a-year out of 500*l.* to prevent ecclesiastical pauperism, which was in Ireland a fruitful source of evil.

Mr. Secretary *Stanley* opposed the introduction of the clause, as calculated to injure the curates. He thought the subject required to be introduced by a separate Bill, and would therefore state, that it was the intention of Government to introduce a measure next Session for the regulation of non-residents and pluralities, which should be equally applicable to England and Ireland.

Mr. *Shaw* remarked, that if the hon. and learned Gentleman opposite (Dr. Lushington) was in too close proximity to the

Church to see its perfections distinctly, the hon. and learned member for Tipperary was at too great a distance from it to see them at all. As to the proposed clause, he objected to it for the sake of the curates themselves, whom it would materially injure.

Colonel *Perceval* suggested, that the minimum of a curate under an incumbent of 500*l.* a-year should be 75*l.*, in the currency of the country.

Mr. *Finn* said, that the amount of property in the possession of the Established Church of Ireland was sufficient to pay for the competent discharge of all its duties. The superior clergy were eulogized on all sides of the House; but he would ask, did they appoint those to benefices who actually wanted them? The curates were as well educated as the rectors, or even the Bishops or Archbishops; yet they had not a tenth of the income of the one, or a hundredth of the income of the other. Besides, competence was not an essential qualification to their appointment to a living; on the contrary, he knew few who had been appointed for other than political reasons, or through the influence of political connection. He also knew, that many curates in Ireland were driven to do things unbecoming their character as clergymen and gentlemen simply to obtain the mere means of existence. In making these observations he was solely influenced by a feeling of justice and charity; and he was well aware that they would petition, individually and generally, but that they were afraid of their diocesan.

Sir *Hussey Vivian* believed, that there were numbers of curates in Ireland in great distress, but that arose from the tithes being paid to lay impropriators in place of the incumbents. He, however, thought the present clause would do them more injury than good.

The Committee divided on the Amendment—Ayes 35; Noes 130; Majority 105.

List of the AYES.

Baldwin, M.	Fitzgerald, T.
Bernard, Hon. W. S.	Grattan,
Bellew, R. M.	Gully, J.
Blake, Sir F.	Hall, B.
Browne, D.	Handley,
Browne, J.	Hulse, J.
Chapman, M. L.	Lloyd, J. H.
Chichester, Lord A.	Lynch, J.
Dykes, F. L. B.	Macnamara, F.
Faithful, G.	O'Brien, C.
Fenton	O'Connell, Morgan
Fitzsimon, C.	O'Dwyer, A. C.
Finn, W. F.	Perrin, L.
Roe, R.	Vigors, N. A.
Sheil, R. L.	Walker,
Stawell, S.	Wallace, R.
Sullivan, R.	White, S.
Turner, W.	Williams,

On Clause 114 being read,

Mr. *Shaw* said, the clause had stood 110 in the last copy of the Bill—and he had to move the Amendment of which he had given notice. The power conferred by that clause, of suspending incumbents where service had been intermitted for the last three years, he always regarded as one of the worst features in the Bill; and the reason he had reserved his Amendment for the present stage was, that he so much deprecated the whole of the clause, he would not move an Amendment until he had first taken the sense of the Committee upon omitting the clause altogether. He had already argued the question at much length, and he would not detain the Committee further than to remind them, that in the last thirty years four times as much had been effected in providing for the celebration of divine service according to the forms of the established religion in Ireland as in the preceding century. In 1800, there must have been 700 benefices where service had not been performed for the three years preceding, for there did not exist the means of its performance; since then, 500 churches had been built, and he supposed about 100 places of worship licensed where there were not funds for building a church. This progressive and rapid improvement had left but about 100 benefices unprovided. The influence of the Protestant established religion was extending itself over the whole country, and, in three years more, if uninterrupted in its course, would perfectly cover it. The Bill before them cut off half of the episcopal bench, under whose auspices and close personal superintendence the process of advancement was taking place; even the Commissioners who were substituted for them were to be directed, by the clause under consideration, to cut a trench between the cultivated district and that which still remained unimproved, (being in the proportion of but one-seventh to what had been accomplished), and there to stay the benefits and blessings which it was but reasonable to infer would soon have been supplied to every part of Ireland. This was the proposition of those who called themselves the friends of the Church. If such friends had proposed a similar law twenty years ago, it would probably have kept half instead of the fourteenth of the

benefices unprovided with places of worship. He did not deny that it was an evil that there should be any benefice having an incumbent and not having service—but the way to remedy the evil was not to take away the incumbent, but to supply the service. He maintained, and he had on the former discussion proved by returns, that where there were churches built and divine worship established, congregations were not wanting. He would move, as an Amendment, "that in case the Commissioners suspend the appointment of a clerk to any benefice where divine service shall have been intermitted for three years, the emoluments of such benefice during the vacancy shall be applied for the purpose of providing the means of the celebration of divine service within such benefice."

Lord *Althorp* thought the better way would be to leave the application of such funds to the discretion of the Commissioners. If the proposition should be adopted, it would tie up the Commissioners to the appropriation of the funds in a specific manner. In cases where no service had been performed for three years the probability, was that it had arisen from there being no Protestants in the parish. In such a case it was too much to apply the funds to the purposes suggested in the Amendment, and the Commissioners were not precluded by the clause as it stood from the application of the funds in the manner suggested in case there were Protestants in the parish.

Mr. *Lefroy* said, that the clause provided for the cure of souls, and the noble Lord could not therefore go on the assumption that there were no Protestants in the parish. He would appeal to the noble Lord's candour and fairness whether it was just that the funds arising out of a parish should be applied otherwise than in providing for the spiritual wants of the parishioners. He should support the Amendment, and suggest that the objection of the noble Lord might be met by the addition of the words "except in parishes where there were no Protestants."

Mr. Secretary *Stanley* thought the Amendment was quite unnecessary. If the want of churches was complained of, the Commissioners were already provided by the Bill, with means to interfere; but the Amendment would tie them down to supply that which was neither wanted nor desired in parishes where there were no Protestant inhabitants.

Mr. *Finch* supported the Amendment, and maintained, that as Protestantism was increasing in Ireland, churches ought to be provided. He said this from inquiries he had made, the result of which was, that since the year 1807, in the diocese of Cork alone, no less than twenty-six churches had been built. It was notorious, that if a congregation was sought to be collected in this country, the first thing to be done was to build a church for their reception. The church of Rome had already its missions out, endeavouring to proselytize the country, and he should support the Amendment.

Mr. *Ward* said, the hon. Member (Mr. Shaw) boasted much of the new churches and the number of places of worship the Bishops had established. He wished to know if there were Protestants to attend them? for it was easier to build churches than to find congregations for them.

Mr. *Dominick Browne* said, he was satisfied that of late the Protestants had much decreased in Ireland. He admitted, that several hundred new churches had been built, but he was certain that many of those churches had no congregations. He himself knew parishes in Galway and Mayo in which there were only two Protestant families—those of the rector and clerk. He was ready to support the Church as far as the Protestants required it, but would not go one shilling further; and he should therefore oppose the Amendment.

Mr. *Shaw* said, that if his hon. friend (Mr. Dominick Browne) had taken as much pains to ascertain the fact as he had, he would have learned that generally in the new churches that had been built there were congregations averaging from three to four hundred. He had, without any returns being moved for, and merely through some friends who were casually in London, ascertained that such was the result in three or four dioceses. He had before stated the minute details of these cases to the House; and in the diocese of Tuam, which his hon. friend ought to know, the establishment of these new places of worship (more frequently in licenced houses than in churches, owing to the poverty of the parishes) had been attended with the most beneficial effects. It was not of new churches but new congregations (which with attention were sure to follow them) that the opponents of the Church were so much afraid.

Mr. *O'Connell* was surprised the hon. and learned Gentleman (Mr. Shaw) should go to the Quixotic length he had done. He had first found new churches, and since had found new Protestants, to the amount,

according to the hon. and learned Gentleman's average, of at least a million. Now that it was found that preaching would not do, it was thought by the hon. member for Stamford that building churches would answer in increasing Protestants. That was indeed "setting traps to catch Popish rats." But would the hon. and learned Gentleman seriously tell the House that Protestantism was increasing in Ireland? —["yes," from Mr. *Shaw.*] Well then, after that he had done.

Major *Macnamara* said, that he could state that in one district of the county of Clare there was not a Protestant in the whole barony, and much less in any of the parishes in that barony.

Colonel *Perceval* could not permit the speech of the hon. member for Dublin (Mr. O'Connell) to impose upon the House. He knew little of those parts of Ireland which heretofore returned the hon. and learned Gentleman to that House; but if his statements referred to Dublin, or to those parts of Ireland with which he was acquainted, he must be permitted to say, that they had more of good humour than of fact to recommend them. He could state, that in places where churches had been built since the Union, the average number of Protestants attending exceeded 300. The hon. member for Mayo (Mr. Dominick Browne) took upon himself to answer for Connaught. He (Colonel Perceval) had heard of persons assuming to themselves the right of representing all Ireland, and he supposed that the hon. Gentleman wished it to be imagined that he was the representative of all Connaught. Now he (Colonel Perceval) had the honour of representing one of the counties in the kingdom of Connaught, and he would inform the hon. Gentleman that he was misinformed with respect to the Protestant population in that district. He could state, that in Sligo every church was attended both by congregations and communicants. In the parish in which he (Colonel Perceval) resided, the church, within his own recollection, had been enlarged, and it was now much too small for the congregation. In all the churches in his neighbourhood, the number of persons attending divine service was much more than the buildings could accommodate.

Amendment negatived. At three o'clock the House adjourned and resumed at five. The Committee was then continued.

On Clause 138 being put,

Lord *Althorp* said, he had an alteration to propose in the terms of this clause. As it originally stood, it stated that the Commissioners to be appointed under the Act should inquire respecting, and ascertain the full improved yearly value of the lands and premises cited in the Bill, according to the usual mode of estimating and ascertaining the same. It was further stated the Commissioners were empowered to deduct 4*l.* per cent from the value of the fee-simple and inheritance of the land referred to, as a kind of bonus to the lessee; but as the valuation was, according to the amendment agreed to the other night, to be taken according to the custom in the respective dioceses, and as this alteration would occasion a diminution in the amount of the valuation, it was thought advisable to leave out the words in the clause which guaranteed the reduction of four per cent in the amount of the value of the fee-simple and inheritance. The valuation not being required according to the original mode, the bonus consequent on that valuation was, of course, judged unnecessary.

Mr. *O'Connell* said, it was perfectly clear that in a great majority of cases the proposed alteration would operate most unjustly. Where ornamental improvements had been made, their value was not to be estimated, but what would be the case with the poorer tenants? Their interests would be calculated upon the full value, and they were to lose the bonus of four per cent because another class of tenants were to have the benefit of the custom. He was opposed to the alteration, because he conceived it was calculated to relieve the wealthy tenants alone, while it placed the poorer class of tenants in a worse situation than before. The clause as it stood had given great satisfaction to the Irish people, and now the government were about as usual to throw cold water on the feeling of satisfaction which they had engendered by the provision as it originally stood.

Lord *Althorp* said, that the argument of the hon. and learned Gentleman showed distinctly that the alteration made in a previous Committee was a wrong one. The Act made the lease perpetual, and that he considered a sufficient bonus in itself. He should be sorry that great dissatisfaction should be felt in Ireland upon the subject as he really felt obliged to persist in deducting the bonus.

Mr. *O'Connell* asked whether because the House did an act of justice towards one class of tenants they were to do an act of injustice towards another class?

Sir *Robert Inglis* was sorry to have dif-

fered from the first on this clause from his hon. friend (Mr. Shaw), and he thought the bonus ought not to be given.

Mr. *Aglionby* said, that taking away the bonus would be an act of injustice towards the poorer tenantry. All that was required by the clause as it stood was, that the tenants should have the benefit of the existing custom. It was plain that it was the custom in some dioceses to charge for the improvements, and in others not.

Mr. *George Young* supported the clause as it stood, and hoped the noble Lord would not press the Committee to a division upon the Amendment.

Mr. *Shaw* said, there were two distinct questions—first, whether the bonus of four per cent should ever have been given to the tenants; and next, whether, at all events, having been given, it could then be withdrawn, in consequence of what he believed sincerely to have been but an act of strict justice being done to tenants—for he must ever maintain that it was no more than justice that a man should not in a purchase from the Commissioners have to pay over again the value of a building, or ornamental improvement, which had been undertaken upon the faith of the Bishop not valuing it in the calculation of his renewal fine. As to such improvements, he denied that it had been the custom to charge them in any diocese. Whether the noble Lord was right or wrong in first granting the bonus he would not say; but he certainly thought it ought not to be introduced on the ground the noble Lord had put it.

Lord *Althorp* said, he felt the force of the arguments adduced against his Amendment; and as it appeared that it would have the effect of giving a bonus to the richer tenant, which was not given to the poorer, he should withdraw it.

The clause was ordered to stand part of the Bill.

The remainder of the clauses were agreed to—the House resumed, and the Report was received.

Factories Regulations.] The Order of the Day for the Committee on the Factories Regulation Bill, was read.

On the Question that the Speaker do leave the Chair,

Lord *Althorp* rose, to call the attention of the House to the situation in which the measure just brought before them stood, and to suggest what appeared to him the most reasonable course to be pursued, in order to arrive at the passing of the measure during the present Session in such a manner as might render the adjustment of the important question under discussion satisfactory to all parties interested in its settlement. In the first place, he had to state, that from some delay, for which he was unable to account, the large and voluminous Report which the Commissioners had laid on the Table of the House had not as yet been placed in the hands of Members. That was a circumstance which in itself, unforeseen and unexpected, he thought would go no little way in support of the suggestion it was his intention to offer; for certainly he felt that after having agreed, with mature consideration, not to proceed with the present measure without adequate information, and after having appointed a Commission to institute inquiries with a view of obtaining that information, it would be rather inconsistent in the House, in the face of such resolve, to proceed in legislating in a Committee of the whole House, without having had time to examine, or, indeed, even to read, that Report, and much less the voluminous evidence with which the Commissioners had supplied them, the want of which had caused the postponement of the measure. It was not, however, on such a basis that the course which he meant to suggest was founded. Looking at the nature of the noble Lord's (Ashley's) measure—looking also to the details of that measure, and considering the important effects which their adoption would have on the general manufacturing interests of the country—it did appear to him that it would be most inconvenient, if not very hazardous, to attempt to pass such a bill in the first instance through a Committee of the whole House, and that such a mode of dealing with the question would be most unlikely to lead either to a satisfactory conclusion, or to the passing of the measure under any circumstances during the present Session. Such being his opinion, he had naturally turned to the consideration of what plan it would be advisable to adopt in order to meet both these objects. The result of that consideration was a conviction that there was no other course to be pursued, but to refer the Bill at once for the opinion of a Select Committee, intrusted with such powers and armed with such instructions as, in the opinion of the House, would prevent the occurrence of any material delay in the framing of their decision. If he thought that the adoption of such a course would tend to cause such a delay as would prevent the settlement of

the question in some shape or other during the present Session, most certainly he would not think of proposing it; but, when he reflected that the Committee would only have to decide upon the Bill with reference to certain specific instructions, he did not think the adoption of his suggestion could be attended with any considerable delay, much less the protraction of legislative interference until the next Session. On looking into the question with reference solely to the noble Lord's Bill he was free to confess that he viewed it with considerable apprehension. In the first place, he could not look upon it without being strongly impressed with apprehension, that if the Bill should pass the Legislature in its present form, its effects might be found very disastrous in the manufacturing districts. Should its effect be (and he feared it was but too reasonable to apprehend it might be) to increase the power of foreigners to compete in the British market, and so to cause the decline of the manufacturing interests of the country, how, he asked, would it be thought of? Would not, on all hands, a measure attended with such results be denounced? So far from a measure of humanity, it would be one of the greatest acts of cruelty that could be inflicted. It was well known that the population of the manufacturing districts was only supported in consequence of the amount of labour and the success of manufactures; and if any measure should pass Parliament, by which that amount of labour might become diminished or that success impaired, the inevitable result would be the proportionate misery and starvation of such manufacturing population. With regard to the details of the noble Lord's Bill he had likewise a few observations to offer. Generally speaking, he felt called upon to avow that he did not think the measure as it stood was one which ought or could with safety pass the House. He was quite willing to admit that, with the present feeling of the country, and with the excitement which so generally prevailed, it was necessary that Parliament should interfere and legislate to protect children, properly so called, from being treated with undue severity; but when the measure of the noble Lord was considered—when the provisions which he proposed to introduce respecting the age of the children were weighed—he did think, that he (Lord Ashley) was carrying his protection to too great lengths, and that under his provision adults would be unnecessarily deprived of making the most of their only property, their labour. That children of nine, ten, or eleven years of age, who had no choice of their own as to the duration of their labour, should meet with protection was a self-evident proposition; but to say that that protection should unnecessarily extend to persons who were adults, and consequently the masters of their own time—and he contended such would be the effect of the noble Lord's Bill—was to broach a proposition to which he hoped Parliament would never assent. Protection should be afforded, but it would only be protection when applied to those who had not the power of deciding for themselves, and on that principle he was free to confess he did not think that prohibition applicable to the ages to which the noble Lord in his Bill proposed applying it. The alteration which he (Lord Althorp) desired to see in the Bill was the insertion of a clause by which the protection to children, properly so called, would be increased, while adults, who were in a state to decide for themselves, should be left unshackled and unrestricted With that view, should the House decide upon referring the Bill to a Select Committee, instead of pulling it through a Committee of the whole House, he would suggest, that it should be an instruction to such Committee that children who were within their fourteenth year should not be subjected to labour longer than eight hours a-day. With regard to children beyond that age it was not his wish to alter the laws, at all events with regard to children employed in cotton-mills; but it might well be a question, whether the laws by which the labour of children in cotton-mills were at present regulated might not very properly be extended to all factories. He must, however, mention that there was one branch of manufacture in which children were employed in great numbers; he meant the silk manufacture which had not been inquired into. It was, indeed, well known, that the labour in these factories was less severe and less unwholesome than in others; but still, as they required the assistance of a large number of children, he thought it might be advisable if the Committee were instructed to consider whether protection ought not to be extended to children in silk as well as in other manufactories. In any legislation upon the present subject there was, it was scarcely necessary for him to observe, one great and paramount object to be kept in view—namely, the promotion of education.

It must be evident that as children in factories were kept constantly employed throughout the day, it was impossible they could acquire education, and it should be therefore seen that in any measure on the subject, care was taken that an interval at a seasonable period of the day should be reserved for their education. The main difficulty in all such measures as the present was to provide means for carrying the law into effect. It was notorious, that although in cotton-mills laws were in force for restricting the hours of labour, they were seldom, if ever, carried into effect. Now, in the Bill of the noble Lord, there was no provision for that purpose. If a restriction was to be made it should be accompanied with adequate powers to enforce its observance; for unless the law were enforced, those who obeyed it would have to compete at a great disadvantage with those who managed to evade it. It was, therefore, his intention to propose an instruction to the Committee to ascertain the expediency of a system of inspection throughout the mills where child labour was used. He had now, he thought, stated all the objects which a bill having in view fair protection to the children ought to embody; and if the House proceeded to legislate upon those objects he thought they would be doing all that could be expected of them. If they were to go further and declare, as the noble Lord (Ashley) wished, that for the effect of any accident in a mill which caused death the penalty of manslaughter should attach to the masters upon the representation of a Coroner's Jury, they would place the masters in such a situation as could not be tolerated. The noble Lord had gone out of his way in this instance, for, by the law as it stood, any culpable negligence in this respect was a crime. To say, then, that a Coroner should issue his warrant to apprehend a manufacturer, not only did not afford him adequate protection, but was even worse than absurd, for it was unjust. He would not go at any greater length into this question, but would conclude by moving, as an Amendment to the Motion of the noble Lord—"That the said Bill should be referred to a Select Committee, to whom it should be an instruction to make provision, 1st, that no child who had not entered upon its fourteenth year should labour more than eight hours a-day; 2ndly, for securing opportunities of educating the children during the times they were not employed; and 3rdly, that a system of inspection be enforced throughout the factories so as to ensure the execution of the above provisions."

On the Question being put,

Lord *Ashley* observed, if there was any inconsistency in bringing on the measure to its present stage without having the Report of the Commissioners in the hands of the House he was not culpable. From day to day had he been put off by the noble Lord, until he found himself placed in that situation that if he did not endeavour to bring the question under discussion, he must give up all hopes of legislating upon it during the present Session. With regard to the proposition of the noble Lord, he had only to observe, that if the noble Lord would affirm at once the preamble of his (Lord Ashley's) Bill, he was at perfect liberty to do what he pleased with it, either in Committee of the whole House or in Committee up-stairs. If the noble Lord, however, refused to do so, he should resist his proposition, for he was convinced if it once reached a Select Committee without an admission of its principle, it would be either detained there till the end of the Session, or sent back so completely altered that he should find himself unable to recognise it. As far as the noble Lord's proposition related to the inspection of the mills with a view of seeing the law enforced, he begged to say, he entirely concurred in it; and if not afraid of giving additional offence to the opponents of his measure, provision for such an inspection would have formed part of his Bill. Nor would he make any objection to that part of the proposition which related to confining the hours of labour for young persons under fourteen years of age to eight hours a-day. There was another part of the noble Lord's proposition which God forbid he should object to; namely, that which went to provide competent education to the children. The great moral defect in the existing condition of society arose from the want of any provision for the education of the lower orders; and he only wished that the noble Lord, availing himself of his influence as Minister of the Crown, would push forward and provide suitable education for all classes of children among the lower orders, whether employed in factories or otherwise. So far he was disposed to concur with the noble Lord; but when the noble Lord went on and spoke in terms of reprehension of the clause relating to accidents occurring through the use of machines, it was imperative on him to raise

his voice in support of his measure. Had the noble Lord, when he thus spoke in reprehension of the clause relating to machinery offences, read the report of his own Commissioners? If he had he would have found a very stringent, and a very conclusive passage on the subject, recommending the adoption of precisely that punishment on the manufacturer, which the clause so reprehended by the noble Lord went to enact. So convinced was he of its necessity, that so long as he had any thing to do with the Bill, he never would consent to its withdrawal. He confessed he was utterly at a loss to conceive why the noble Lord had not stated the propositions which he had just made on some previous stage of the Bill. The noble Lord certainly might quite as well have stated them on the second reading, and thus have saved the loss of a considerable time, unless indeed his object was to protract all legislation upon the subject to the next Session of Parliament. Why his Bill should have been allowed to arrive at a Committee, and then scouted out of the House like a mad dog, to be cured by a Committee up-stairs, he confessed he did not see. He repeated, however, that if the principle of his Bill was now affirmed, he would have no objection to the proposition of the noble Lord. To the proposition respecting children within their fourteenth year he would make no objection, but he would hold to his own proposition with regard to children beyond that age. There was one point connected, however, with the noble Lord's proposition, which he would be glad to have more definitely explained. Children until they came within their fourteenth year, were to work but eight hours a day. Now did the noble Lord mean that a child on its thirteenth birthday, should only have to work eight hours; but on the day after, when he was in fact but thirteen years and a day old, his labour was to be at the mercy of the manufacturer? In short, were children of thirteen years and a day old to be deprived of the protection of the noble Earl's measure? If such was the intention of the noble Lord, he (Lord Ashley) begged to ask him did he bear in mind that a great portion of the children for whom they were about to legislate were females, who, at the very period of their lives that the noble Lord proposed to exempt them from protection, would most stand in need, not only of corporeal rest, but of moral aid? Was the House, he asked, prepared to inflict on young females only thirteen years of age, a period of labour varying from twelve to fourteen hours a-day? The whole course of the medical evidence taken by the Commissioners, particularly the evidence of Mr. Elliotson, went to show, that it was absolutely horrifying to impose on young females a period of labour of more than ten hours. In fine, there was no period of a female's life in which she required more care, attention, and protection, than at that very age at which the noble Lord required that that care, attention, and protection, should cease. Indeed, until the House, by a solemn vote, gave proof of the fact, he would not believe that there could be found twenty men who would affirm such a proposition. Did the noble Lord think that by his proposal he would give satisfaction? Did he for a moment suppose that he would reconcile conflicting opinions? So far as he could speak, instead of giving satisfaction it would spread throughout the country uncontrollable disgust. [An *Hon. Member*: Strong language.] Yes, his language was strong, but not stronger than the case deserved. He begged, however, to assure the hon. Member who had been pleased to interrupt him that he would, either in that House or out of it, use such language, when speaking of the present or any other subject, as most pleased him. To resume, however, he begged to say, that if the noble Lord sought to obtain the confidence of the country on the present occasion, the only means was, to discuss the question before the representatives of the people at large, and not to expose it to the secret decision of a chance Committee. Moreover, the opinions of the Report were not the unanimous sentiments of the Commissioners. How they got blended into two sets was more than he was aware of; but he saw that Mr. Stuart was for eleven hours, Mr. Drinkwater for from eight to ten, and Mr. Power wished a difference to be made between the males and females as to time of working. Some of them had no fear as to foreign competition, others had; but how did this topic get into the body of the report? The idea of thirteen years and one day putting girls out of protection was not to be tolerated; but if a time was to be fixed, let it be eighteen years. Then as to having two sets of workmen, all the evidence declared it to be impracticable, though the Commissioners were in favour of it. They could not be procured by the manufacturer, and the injury to the children and their parents, by the cutting down of wages, would render them more miserable than they were even

at present. He implored the House to enter upon this subject publicly, and not to allow it to be referred to any private tribunal. There had been quite enough of secrecy in the progress of the Bill already and he did, therefore, protest against its being sent up to a Select Committee.

Mr. *Jervis* was of opinion, that the noble Lord (Althorp) had from the outset admitted the principle of the Bill, which was simply the necessity of some legislation, and, therefore, he would suggest to the noble Lord (Ashley), that so far his opposition to the Amendment was unnecessary. He thought if the Bill was at all to be referred to a Select Committee, that it would be much better not to fetter such Committee with instructions, but leave it for them to decide upon a full investigation of the Commissioners' Report and the evidence, what description of measure was called for. He for one begged to say, that if eight hours' labour was to form a principle of the Bill he would not assent to it.

Sir *Samuel Whalley* objected to referring the Bill to a Committee, because he conceived that there was already ample evidence for the House to proceed upon. The late Commission was most uncalled for, and unjustifiable, as a wanton and useless expenditure of public money, without effecting any practical results. This was not a way of dealing with a measure like the present, on which so much popular feeling was interested. And it appeared to him, moreover, that the Commissioners went to their work more as partisans to make out a case for the manufacturers, rather than as searchers out of truth. The manner in which they had conducted their proceedings, too, was most blameworthy—he meant with reference to their unconstitutional and un-British practice of taking evidence with closed doors. He did not believe, that this Bill of the noble Lord would effect the objects he had in view, unless the limitations of labour were altered. As it was, children might be set to the extreme of work, even on their fourteenth birth-day. The hon. Member read extracts from the evidence of the medical Gentlemen consulted on the subject—particularly Dr. Farr—and which stated, that the labour of the slaves in the West Indies was far less, and less injurious, than that of the slaves in the English factories; that the blacks were never severely worked at a premature age, as was the case in the factories—more particularly as regarded young females. This evidence stated, that the labour of the young in the factories—particularly in the case of girls—was such as to wear the sufferers to death. Nothing called for legislative interference more than this frightful outrage upon humanity. When the House had voted 20,000,000*l.* of money for the emancipation of the slaves, surely it would not hesitate to extend its protection to these poor children, when it had the means of doing so without any expenditure. Laws were passed to protect grouse and pheasants, and hares and other game, and even oysters were not excluded from the protection of the Legislature. He said, then, that, even putting humanity out of the question, it would be expedient, if only in a financial point of view, to prevent avarice from making a sacrifice of human life. The eyes of all foreign nations were directed upon the course which the Legislature would take upon this question, for the cruelties perpetrated in the English factories had rendered us odious to all Europe. He thought the Chancellor of the Exchequer ought to accede to the proposition of the noble Lord. This was a question which regarded not only the operatives, but in which every man who had at heart the welfare of the country must feel a deep interest. He hoped, therefore, that the noble Lord, the Chancellor of the Exchequer, would withdraw his opposition, and that the House would at once proceed by going into a Committee on the Bill to remove this stain from the character of the country.

Mr. *Wilbraham* said, he felt that a case was made out for the interference of the Legislature, and he should be sorry if the Session passed over without the House adopting some measures on the subject. But he should vote for the appointment of a Select Committee, because he had no means of judging of the evidence on the side of the manufacturers. He thought it absolutely necessary that there should be some provision for enforcing the regulations of any Bill that might be passed, for there were already several laws which ought to be carried into effect, but which were totally disregarded for want of means to enforce them. Sir John Hobhouse's Bill for restricting labour to twelve hours, had been carried into effect in Manchester, by a committee of master-manufacturers; but in other places it was evaded. Although there was no more decided advocate than he was, of the interference of the House in favour of the factory children, yet, for the reason he had stated, he thought the question ought to be referred to a Select Committee. If he were a member of that Committee, he should feel it his duty to recommend that

which he should consider to be for the advantage both of the children and their employers.

Sir *Robert Inglis* complained of the disadvantage under which ninety-nine Members out of 100 laboured, in never having seen even the outside of the volume now before them (the Report of the Commissioners) until that moment. The Report had not yet been delivered to the Members of the House. Copies had only been given to some favoured individuals, and also, he supposed, to his Majesty's Ministers; but with the exception of a copy which he had met an hon. friend of his carrying, like a burthen, in the streets of London, a day or two ago, he had never until that moment seen the Report. And yet it was upon that Report that the House was now called upon to legislate. He must, however, say that the difficulty he felt was considerably reduced by the recollection of the former Report on the factory system. If he knew no more than the evidence of the medical men contained in that Report, he should be quite prepared to say that sixteen or even thirteen hours' labour during the day, was much too great for the human animal at that period of life when it was the object of his noble friend to protect children. As his noble friend was now absent from his seat, he might indulge himself by saying, that, since this question had lost the benefit of Mr. Sadler's able advocacy, it could not possibly have fallen into better hands than those of his noble friend. It was surely not necessary to carry such a question from Committee to Commission, and from Commission back to Committee again. The Bill of his noble friend only said, that no more than a certain quantity of labour should be imposed upon children under a certain age. Could there be a stronger case than that which was supported by the evidence of such names as Bell, Brodie, Roget, and Carlisle, and other medical men of equal eminence, all of whom concurred in declaring, that females, under a given age, were incompetent to perform the quantity of labour now imposed upon them? He did not wish to attack the mill-owners, either as individuals or as a body; but he could not help deeply censuring the system under which so extended a quantity of labour was imposed upon female infants, for such they were, both by law, and, in many cases, in strict phraseology. It was the bounden duty of that House to step forward and say, that henceforward such labours should not be imposed. He was fully prepared to enter into this subject, but he hoped it was not necessary. He would say, and he was sure that no Gentleman in that House would contradict him, that females from fourteen to eighteen years of age, ought not to be subjected to the severe labour now imposed upon them. The evidence on the subject was most disheartening and disgusting. Mr. Smith said, that the children were actually worn to death. Without appealing to the feelings of the House, he was sure, that on sober consideration, it would be admitted, that human beings ought not to be sacrificed on a mere calculation of profit and loss, and that this state of things ought not to be continued. He saw no necessity for the question being again sent to a Select Committee, when the evils and abuses of the system were not contradicted.

Lord *Morpeth* said, that ever since the conduct of this measure had passed from his hands into those of his noble friend it had been his study to offer no obstruction to its course, in the hope that his noble friend might be blessed with the means of conducting Parliament to such a decision as should secure efficient protection to the children in the factory districts, with the smallest possible injury or interruption to employment and industry. With this view he had voted against the appointment of a Commission, though now, after it had been appointed, and the consequent delay incurred, he should think it very preposterous and stiff-necked not to derive such assistance from its labours as they might fairly seem entitled to afford. What that amount of assistance might be they had at present very inadequate means of deciding, as the Report had not yet reached them. All he could say at present was, that if the Commissioners, after much communication, both with masters and men, felt themselves authorised to recommend for children under a certain age a shorter term of labour than that which both his noble friend and himself would have concurred in suggesting, that was, ten hours, he should feel disposed to accede to it. But then he must add, that he should be sorry to leave all young persons above fourteen years of age wholly without any regulation or protection from excessive working, nay, possibly exposed to the aggravated toil of working through the double set of hours for the younger children. Under these circumstances he thought they might come to some agreement to continue persons between the ages of fourteen and eighteen under the present limitations of Sir John Hobhouse's Bill,

extending them to every branch of manufacture; or as he (Lord Morpeth) should much prefer, reducing the time of work to eleven hours, which was at present reckoned the ordinary day's work in the woollen districts. Of course there would be still less risk of any bad effects when the age was raised, without which he (Lord Morpeth) would never have consented to so long a term from nine to fourteen. This scheme would have these additional recommendations: it would produce comparatively little disturbance in the most extensive branches of our manufacturing industry; further, while it avoided the vicious principle of interfering with adult labour, it would at the same time indirectly rescue adult labour from the inordinate extension which the practice of working double sets might otherwise impose upon it; and lastly, and perhaps chiefly, it might very easily be combined with a plan of working either a single set or double sets, or a set and a half of the younger children in each day, but of giving them in each case a moderate but certain amount of instruction, which might be attended with effects both to themselves and to society at large, which, with the zealous co-operation of manufacturing capitalists, and under the blessing of God, he could not appreciate too highly or anticipate too warmly. Notwithstanding some painful instances of abuse, he had always protested against the indiscriminate and fierce attacks directed against the manufacturers of England; but he did not conceal from himself, or from them, that they appeared to him to be invested with high responsibilities. The factory system, whatever be its faults, whatever its abuses, had stricken deep root in the country: they must deal with it as they found it; and although domestic manufacture might here and there show symptoms of revival, it had little chance of superseding, to any general extent its active and efficient and thoroughly organised rival. But as the factory system had unquestionably added much to the wealth, population, and importance of the districts in which it had been established, so he believed it might, under judicious and conscientious management, be so conducted as to add in an almost equal degree to the intellectual, moral, and religious improvement of the swarming population which it reared; and therefore he ventured to assume that the opportunities of doing extensive good, and the consequent responsibility, seemed to pertain almost as fully to the owners of large mills and factories in towns as to the great landed proprietors of acres and villages, the Lords of Blenheim and of Belvoir. Upon the imperfect data before them the noble Lord said, he had ventured to give them a rough sketch of his own views; he found, that the instructions proposed by the Chancellor of the Exchequer did not appear to be at variance with them: they recognised a very large measure of protection for children under fourteen years of age; they did not, he apprehended, preclude the adoption of a less strict limit for young persons above fourteen and below eighteen; above all, they acknowledged the propriety of some scheme of education. As for the form of proceeding, he thought that probably these provisions might be moulded into form with less loss of time in a Select Committee, not empowered to receive evidence, than in a Committee of the whole House. To that point, however, he did not attach much importance; but he was happy to think that, whether in the Committee below or up stairs, the subject would be entertained without any of that virulence and turbulence which he was pained to think had marred and polluted this good and righteous cause elsewhere.

Mr. *O'Connell* said, there ought to be no more delay, and the House ought to get rid of all delusion on the subject. There had been enough of both. What Committee had done last year Commission did now, and yet it was proposed that there should be another Committee, and then no doubt there would be another Commission. And what was it that they were thus delaying about? It was whether a child could work more than a negro in the West-Indies. When they were proposing apprenticeships for the negroes they did not dare to talk of more than ten hours' work, and now they were to debate whether a child was able to work more than a grown negro. The King was bound to protect all his subjects under the age of twenty-one years, and a great officer, the Lord Chancellor, was appointed, to whom that duty was assigned. If the infant had a hundred pounds in the world he would be sure of the protection of the Lord Chancellor, who might tear him from his mother's arms for that purpose, as he had torn a Member from that House. But the power of the Lord Chancellor could not be put in motion without money. Here were children who had no Lord Chancellor to protect them. They had no property but their labour, and the House was bound to become the universal Chancellor in their favour. The

principle was clear, the House was bound to protect the children. It was impossible to look to the first volume of evidence without seeing the fact; then, why not legislate at once? Oh! there might be a counterbalancing evil. If the child's labour were stopped, a yard of calico might not be spun; and if the child were prevented working itself to death, a spinning-jenny would be stopped for an hour. It was not denied that, to a certain extent, the evil complained of did exist. There was human life on the one hand, and were they to calculate on the other how much less cotton would be made if a given number of children were not killed in the year? He said that the protection ought to last until twenty-one, because that was the age which the law had fixed. But, at all events, let them not go below eighteen. The regulations as now proposed would be liable to constant abuse. He recollected a remarkable instance of abuse of a similar regulation. The masters of the Charter Schools in Ireland had been allowed the labour of the children until they were fourteen years of age, when they were to be apprenticed out. There was a lad of the name of Tooke, who was fourteen in 1824, but in 1827 it miraculously happened that he was only eleven, and in 1829 he reached fourteen again. Such things would occur under the regulations now proposed. The House was called upon not to legislate this Session. [*No, no!*] Why! did Gentlemen recollect that this was the 5th of July, and that the House was working double tides—in the morning and evening? Let them, therefore, get rid of all this hypocrisy, and say that they were determined not to legislate this Session. He wished that the House should go into Committee to night. Let the Chairman, then, report progress, and by Monday every hon. Member who was a friend to humanity would have waded through the voluminous book before them, if further information was necessary.

Mr. *Brotherton* said, that all persons were agreed that some legislation was necessary. That was making a great progress, for twenty years ago not a single master would allow that legislative interference was necessary. Now, the public, the masters, and the working men, all agreed in appealing to Parliament to make regulations for the labour of factories. They had different motives for demanding it. The masters demanded it because they desired to prevent some amongst themselves from working too long. The adults required interference, as the only means of preventing them from being overworked; and the public required the interference of the Legislature to protect the children. He thought that there should be some restriction, and that the restriction should establish one uniform system. He knew that some mills were now working for fifteen or sixteen hours a-day; and he knew that infants of a very tender age were so employed. The hon. Member quoted two or three cases, from the evidence of the Commissioners. The ten hours Bill would, he admitted, be a great change from the present system; and he wished, that the protection could be further extended as to age. He wished it extended till the age of twenty-one. Indeed, unless the labour of the adults was regulated, which was requisite, it was impossible to protect the children. He was anxious to make the Bill effective for its objects. The masters of Manchester, he believed, only wished to labour sixty-nine hours a week, and the noble Lord's Bill proposed fifty-eight. Now, if the parties were brought together he thought they might come to some agreement; and he, therefore, was of opinion, that, in order to make a good Bill, it should be referred to a Select Committee. At the present moment the children were so much part of the machinery, that they must work the whole time the mill worked, or starve, otherwise the masters would not employ them. Their labour, then, was not free labour. They must be there at the time, and they must stay the whole time, without ever going out. Would not the Members of that House feel it a great hardship to be confined there the whole day? He knew what those hardships were, for he had worked in a factory himself till he had reached his sixteenth year. He had worked twelve and fourteen hours a-day, and had undergone all the privations which factory children endured. For these young persons he felt the deepest sympathy; and though he had been raised to the highest honour which man could confer on him—that of sitting in the British House of Commons—he could never forget his former station. He did feel much for the sufferings of these children, and a great disposition to stand by his order; and if he could by his labours ameliorate their condition, he should feel that he had not lived in vain.

Mr. *Hyett* hoped as no debate had hitherto taken place upon the merits of the measure, that he might be permitted, notwithstanding the prohibition on the part of the

noble Lord this evening, to make a few observations of a general nature—not so much upon the principle of this measure, (for that was admitted) as upon the machinery by which it was intended to carry that principle into effect—in order to show that the details of this measure were of so complicated a nature that it would be impracticable to render them available for the purpose in view, in a Committee of the whole House, and that they must necessarily be referred to a Select Committee. The noble Lord observed that if the principles of his Bill were admitted, he would waive all objections to its going to a Select Committee; but he was at a loss to know exactly what those principles were. The Bill seemed to him to embrace several principles. First, the principle of regulating the labour of children; next, that of limiting the labour of adults; and, thirdly, that of interfering with the moving power of machinery. If the principle were for the regulation of the labour of children alone—to that principle he should not only make no objection, but give, most willingly, his cordial concurrence to any simple and practical measure likely to be effective for that purpose, but which, at the same time, was not likely to inflict a greater amount of suffering than that which it was calculated to remove. Entertaining that opinion it would have been inconsistent with Parliamentary usage for him to have offered any opposition to the details of this measure in any previous stage, and he had, therefore, abstained from doing so, although it certainly appeared to him, after the most anxious attention which he had been able to give the subject, that there were difficulties arising from the details of this measure which would render its practical effects as regarded the children themselves, a matter of very doubtful issue; or if it succeeded in accomplishing its object through its restrictive and inquisitorial interference with our manufactures, it would strike such a blow at those manufactures as would ultimately and speedily reach, in a still more severe shape, those whose condition the Legislature was benevolently striving to improve. It was to the details of this measure to which he wished to direct the attention of the House, they were of the most varied and complicated description. He was quite aware in the present tone and temper of the country, that even to oppose going into Committee with reference to a measure contemplating objects so benevolent as that of the noble Lord, would be thought neither a very gracious nor a very easy task; but believing that there were provisions in the Bill calculated to produce greater mischief than they could remove, he should certainly not shrink from the duty of thus opposing them. It could not be denied that the measure, if not within these walls, at least out of doors had been pressed forward under the impulse of very strong and warm feelings—with which he was conscious it would be difficult to cope. The hon. member for Marylebone, (Sir S. Whalley) had appealed to the humanity of the House; but notwithstanding that appeal, it was surely not necessary to remind the House, that legislation dictated by feelings and affections, however amiable or benevolent, unless strictly under the control of the reason and the judgment, was not the best means for securing the welfare and happiness of those for whom the feelings were most interested. Admitting the principle of this measure, and that it was desirable to legislate on this subject, if it could be done effectively and beneficially, it was impossible to shut his eyes to the fact, that difficulties met them at the very outset greater and graver than the advocates of the measure seemed to be aware of. If they legislated at all, they ought not to legislate partially; if they legislated for one description of manufacturing labour, they ought to legislate for all. The inconsistency of not doing so, was apparent from the title of the Bill, which was "A Bill to regulate the labour of children and young persons in the mills and factories of the United Kingdom." The preamble went on to state, that "Whereas it is necessary that the hours of labour of children and young persons employed in mills and factories, of whatever description, should be regulated, &c.;" but so far from endeavouring to effect this sweeping interference with mills and factories of whatever description, it confined itself in its enacting parts to the manufactures alone of cotton, silk, flax, and woollen, although it was perfectly well known that children were employed in almost every branch of manufacturing industry carried on in this country, as for example, paper, glass, porcelain, &c. &c. they were employed in much more severe labour and much more unhealthy processes, in every species of manufacture, of iron, tin, copper, brass, and lead, from the digging the ore in the mine, to its final completion in its most finished form. They were exposed to every sort of danger, both the young and the old of both

sexes. Their toil was without intermission, (at least the labour was without intermission, though by alternate companies), night and day, from first entering the mine, till the completion of the finished article of necessity or luxury. That toil was begun under the scorching heat of the blast furnace or the forge, and ended amidst vapours of the most noxious acids and most deadly poisons. To none of those labourers were the sympathies of this statute to be extended, notwithstanding the large and liberal assertions of its title and preamble. Granting the subject to be in every other respect ripe for legislation, what instruments did this Bill afford for carrying its provisions into effect? It was the parent who made the contract and sanctioned the work of the child; and neither the wisdom of Mr. Sadler, nor the ingenuity of the noble Lord, could find a stronger safeguard for the child than the natural affection of the parent. If the master and parent conspired together, as it was alleged they did, to overwork the child, what contrivance had the ingenuity of the authors of this Bill devised to prevent them? What substitute had it invented for parental affection? What protector and guardian had it found out, who, stimulated by a stronger impulse than the love of the parent, and armed with more than a father's inquisitorial powers, should continually watch over the hours of labour and of rest? The noble Lord was obliged to fall back upon that feeble resource of all impotent legislators, the informer—the casual informer—that venerable parliamentary sinecurist—through whose sluggish inactivity so much legislative mischief had been prevented, and so many menacing and vexatious enactments had slumbered peacefully, little known, in the Statute-Book. The noble Lord had recourse also to the expedient of the time-book—a log-book for the entry of the extraordinary crimes and misdemeanours—made by the provisions of this Bill, and kept for the purposes of self-conviction—a provision, in his humble apprehension, not much in harmony with the spirit of our laws, and which, however excessive might be the pains and penalties attached to it, was by no means more likely to escape evasion, nor to be more effective than the informer himself. Moreover, it was so peculiarly inquisitorial, arbitrary, and obnoxious, that he sincerely believed it would go far to drive the most respectable and humane manufacturers—and he was speaking the sentiments of that respectable and humane part of them, against whose manufactories there never had been a shadow of complaint—it would go far to drive the more respectable manufacturers who were anxious to observe the laws of their country, but who would be beaten by those who evade them—it would drive them out of their establishments, which would fall, by degrees, into the hands of the less scrupulous and the less humane. But a third provision appeared to him far more injurious than any other part of the Bill: it limited the moving power of machinery, and consequently all labour, adult as well as juvenile, dependent upon it. That this restriction was, it was true, to depend upon the condition of a certain negative proof—a proof at all times difficult—but which would, in this case, be perfectly impracticable. This provision would, in some cases where water was the propelling power, restrict all labour dependent upon it to six or eight hours a-day, and sometimes to less. These restrictions, then, would amount practically to a general limitation of all machinery and manufacturing labour employed in those branches to which the Bill applied. He believed, moreover, that this was not only the expectation but the intention of many of those who, out of doors, had pressed forward this measure to its full extent most vehemently, and who had put forward the sufferings of the children in the most exaggerated shape, to cover their ulterior designs on the general labour of the country. He did not believe, that so extensive an interference with the labour of the country could be contemplated by the noble Lord; nor did he mean in any way whatever to insinuate that the noble Lord's conduct partook of the disingenuous character to which he had alluded. He was only afraid, that the noble Lord could not be aware of the real extent of the measure into which he had been hurried, and was not sufficiently acquainted with the great manufacturing system of this country, to authorize him in introducing a measure so extensive and so important. Was the noble Lord thoroughly acquainted with the vast and complicated nature of the manufacturing system in all its various bearings and relations? Or did the noble Lord think that the manufactures of England were fit matter to be trifled with? Did the noble Lord know how closely our rivals were treading on our heels?—that if we suffered them to get the start of us, we should toil in vain to regain our lost way? Let us once fall behind, and the race would be lost

for ever! Did the noble Lord know that the Americans were fast encroaching upon our trade in cotton, the Lyonese were surpassing us in silk, and the Belgians and Prussians were coming up to us in the great staple of our woollens? There was another point which perhaps the noble Lord and the House were not acquainted with; the manufacturers of Belgium were looking anxiously to the effect of this particular measure as it would affect adult labour and machinery, expecting to be enabled to compete successfully with us in the markets of Europe. Did the noble Lord ever consider that the manufactures of this country were the bread of millions, and were the animating spirit not merely of our political prosperity, but of our national existence? Had the noble Lord, in the intentness of his contemplation of the actual suffering under his eyes, ever given a single thought to the more remote but more extensive and fatal dangers which must arise from this measure? Had the noble Lord ever reflected, that if our manufacturing system was disjointed, no retracing our steps would avert such a ruin as never yet befel a civilized country? The people of England would not starve; the suspension of our manufactures for a single week would in all probability, drive back this country which had advanced further towards a state of general civilization (through the instrumentality of our commerce and manufactures) than any country since the commencement of the world—into a state of immediate misery and confusion, such as no heart could conceive, and no tongue describe, if we should not ultimately relapse into barbarism. Nothing, he was aware, was more difficult than to put minor and present evils justly into the scale against future and fatal dangers, and to weigh them fairly in the balance of a sober conscience: but if they were to arrive at just conclusions that must be done; and it was no less his duty to look fairly in the face of present ills and compare them against future dangers, than it was the duty of the noble Lord to anticipate future mischief from his endeavours to remedy present suffering. He was ready to admit that there was much evil in our present system—much suffering among children employed in manufactories—and he was prepared by prudent and fair restrictions, to endeavour to lessen it: at the same time it did appear to him that the amount of that suffering had been very considerably magnified. He alluded particularly to the tables which had been published at the end of the volume of evidence taken before Mr. Sadler's Committee last Session. If it were not troubling the House too much, he would beg them to refer, for one moment, to these tables. He was perfectly aware of the difficulty which even those felt, who were most in the habit of addressing the House, in making statements intelligible or interesting which relate to numerical tables, and, he was perfectly sure, that he, who was not in the habit of addressing it, should stand in need of all the indulgence which the House could extend towards him. The tables to which he alluded, showed the comparative estimate of the duration of human life in large manufacturing towns, as compared with certain other places; and he particularly wished to draw the attention of the House to the "Comparative Result" of those tables, which showed in every 10,000 burials the number of deaths under twenty years of age, and of those under forty, for a given number of years, and which, undoubtedly, at first sight, appeared most alarming as against the manufacturing towns. There is a note at the end which saddled the whole evil upon the factory system: It said, "so that about as many have died under twenty, where the factory system extensively prevails, as before their fortieth year elsewhere." But that comparison was not fairly instituted. Was it fair to compare, on the one hand Rutland, a healthy county, Essex, called in the tables a marshy county by which is meant unhealthy, but which he should take an opportunity of showing was not the case; certain old towns; the Metropolis, which in other respects was a fair subject of comparison, but which, when it was recollected that it contained so large a share of the wealth, and consequent comforts, the largest and best charitable institutions, and the first medical assistance of the country, was scarcely to be admitted as a fair criterion of general longevity; was it fair, he asked, to compare these places, on the one hand, against large and densely-inhabited manufacturing towns, on the other? Every comparison, to be fairly made, should be made between things in every other respect as much as possible, *cæteris paribus*, with the exception alone of the particular instance from which you intend to draw your inference. Thus, in the present case, it ought to have been made, not between counties and old towns abounding in wealth, &c., and our thickly

inhabited manufacturing towns, but between large densely-packed manufacturing towns, and large densely-packed non-manufacturing towns. Such for instance, as Liverpool, our largest commercial town, which was the fittest subject of comparison for such places as Macclesfield, Wigan, and Bradford. And what, then, was the result? In every 10,000 deaths in Liverpool, under twenty, there are 5,567; in Macclesfield, 5,889; in Bradford, 5,896; and in Wigan, 5,911: and instead of finding a difference against the manufacturing towns of between 2,000 and 2,500, as shown in Mr. Sadler's tables, there was only the much smaller difference of from 300 to 500—a difference which was sufficiently accounted for by evils which every one must admit to exist in our manufacturing establishments, without imputing it to the cruelty and overworking of children, which it was the object of this Bill to counteract. It must be conceded, that the congregating of large masses of people together, and the more frequent exposure of children to some unhealthy processes, and to those contagious disorders to which youth was peculiarly liable, it was unfavourable to the duration of life; but all those circumstances were beyond the scope of legislation. Of those who (in 10,000) die under forty, he found in Bradford, 7,061; in Liverpool, 7,087; in Wigan, 7,117; in Macclesfield, 7,300; and thus, notwithstanding, it was frequently urged, that people in our great manufacturing towns, rarely reach the age of forty, positively more die under forty in Liverpool than in Bradford. But as this difference was attempted to be placed entirely to the score of the factory system, in order to ascertain whether that were just, he had established a comparison (disembarrassing himself of the accompanying causes of difference arising from the dense population of large towns) between a rural manufacturing district and certain agricultural districts, as much as possible similarly circumstanced. He had taken the district which he had the honour to represent, and where the factory system extensively prevailed, and where, therefore, if the position in the note to which he had alluded were correct, (that as many die under twenty where that system prevailed as under forty where it did not), there ought to be some corresponding majority in the deaths, when that district was compared with agricultural districts in other respects similarly circumstanced, but where the factory system did not prevail. To represent such districts, he had taken all the counties of England, and arranged them in the order of the duration of life, placing the most healthy first, and adopting the same formula of calculation as Mr. Sadler. If it should be urged that there were closely inhabited towns in these counties, the same held good in that manufacturing district. He found, then, that the county of Hereford was the most healthy, and came first; it gave, in every 10,000 burials, 3,420 deaths under twenty years of age; and passing down the list through Rutland, Wilts, Westmoreland, Dorset, and Monmouth, the manufacturing district of the county of Gloucester came seventh in the list, and gave 3,951 deaths. But the county of Gloucester itself, in the centre of which this manufacturing district was placed, came thirteenth, and gave 4,077 deaths. It was to be observed, that this was not a comparison between the manufacturing and agricultural population alone, but between the manufacturing part and the whole county including the manufacturing part. So that this county was probably raised higher in the scale than it would otherwise be, by the greater duration of life found in the manufacturing district. Essex, which was represented to be a marshy county, and, therefore, unhealthy, was the twenty-third in order, and gave 4,269 deaths, while the average of all England was 4,514; so that Essex, instead of being an unhealthy county, was healthier than the average of all England by 250 deaths under twenty years of age in every 10,000 burials. There was a difference in favour of this district, in which, "the factory system does prevail," as compared with the average of England, of between 500 and 600. The Isle of Ely was the forty-second and last on the list, a marshy and really unhealthy district, where there die 5,328 under twenty. The same results appeared under forty: Hereford was again first, and gave 4,826 deaths; the same manufacturing district was again the seventh, and gave 5,328; the county of Gloucester had sunk from number thirteen to eighteen, and gave 5,606 deaths, showing a less mortality in the manufacturing district, than in the county in which it was situated by nearly 300 deaths; Essex gave 5,796; all England 5,979; making Essex better than the average of all England by nearly 200, and the manufacturing district better than the average of all England by more than 600. Taking the note to which he had before alluded as

his example, but reversing the comparison, he found the deaths under forty in the manufacturing district as compared with the deaths under twenty, in the Isle of Ely, to be exactly the same, namely, 5,328 in each case. So that exactly as many die under the age of twenty in the district where the factory system did not prevail, as under the age of forty in a place where it did. In this manner every sort of evil had been laid at the door of the "factory system;" in truth, the "factory system" had been used to express and designate every sort of abuse. He knew, as well as any one, that there were abuses in the factory system as well as in any other; but it was as unfair to use the phrase of the factory system in this sense as it would be to designate all the atrocious crimes committed in this country by the name of the social system. Feeling that these exaggerations ought to be put in a fair light, he had endeavoured to do so. A stain had been thrown not only upon our manufacturers but upon the country, which he felt it a duty—a duty both to his constituents and to the country in general—to attempt to remove. Upon the whole it appeared to him, that the restrictions which it was proposed to introduce, were of such a nature, that it would be exceedingly difficult to understand their effect, if they were discussed in a Committee of the whole House. There were three or four different sorts of manufactures with which the House was to interfere—all of which were conducted in a totally different way, and with respect to the internal regulations of which this House could know very little. That rendered the subject so complicated, that he did not think the inquiry could be proceeded with in any other way than before a Committee up-stairs. The clauses of the Bill were all of so meddling a character, that they were both frivolous and vexatious. There was one which required that hereafter factories should be built on a certain plan, which, according to the text, only meant of a certain height: one required they should be white-washed once a year; and one made accidents from machinery felonies when death ensued, upon the verdict of manslaughter from a coroner's jury —a point upon which he apprehended that the noble Lord, the Chancellor of the Exchequer, had been entirely misunderstood. He did not understand the noble Lord to object to machinery being properly boxed and guarded, as it had been represented in the course of this debate, but to the impropriety of attaching such a punishment as that of manslaughter, for such comparatively small offences as an accident from machinery, when, in fact, the proprietor of the mill might not be to blame at all. Such were the restrictions the House was called upon to impose on this great manufacturing country. He had no doubt that he should be told, that they were necessary to effect the benevolent objects of the promoters of this Bill; but he humbly apprehended, that in their wish to carry into effect these benevolent designs, they had overlooked the magnitude of the consequences—an error, not very unusual with all righters of wrongs and redressers of grievances, from the days of Don Quixote to those of the noble Lord. He must be permitted to observe, notwithstanding the cheer of the noble Lord, that there was a Quixotic spirit abroad at the present day, which, singling out a few of the abuses to which human nature always had been liable, and to which it always would be liable—there was a spirit, he said, of legislative Quixotism abroad, which, singling out some few cases of abuse, rushed on to remedy them with breathless haste, regardless of the dangers it might inflict on those whom it wished to relieve, or on society in general. The noble Lord cheered, and would excuse him if he took the liberty of pointing out one or two particular plagiarisms which had been committed on the volume of Cervantes—the noble Lord would, he was sure, excuse him, if, in the most perfect good humour, though without the slightest intention of treating this great and important subject with unbecoming levity, and only for the purpose of extracting a serious, moral, and useful lesson, he pointed out one or two remarkable coincidences between the adventures of the noble Lord, and of those of his great predecessor of La Mancha. One of the first adventures of the Spanish Knight, was that which originated in his interfering in the relief of a servant boy of about fifteen years of age, for the purpose of preventing the boy from receiving a severe beating from his tyrannical master; but the only effect of the interference was, that the moment Don Quixote had turned his back, the boy received a still more severe infliction. The noble Lord's great original could make no hand of the fulling mills, for his discreet Esquire Sancho, like Mr. Sadler, who came so long after him, fearing the dangers of a tilt at the fulling hammers, tied the legs of Rosinante, and created an exception in their favour; and so it was

with the noble Lord and Mr. Sadler, who, notwithstanding all the chivalrous spirit of their warfare against mills, thought it right to abstain from any attack upon our fulling mills, and created a precisely similar exception in their favour—"Provided always," said the Bill, "that nothing in this Act herein contained shall in any way whatever apply to that process commonly called the fulling of woollens." After all, were they legislating at the right end? Were they to go on in this petty-fogging manner from day to day, adding fetter to fetter, and trammel to trammel, on the industry and the energy, and the enterprise of the country? Were they, in these days of liberty of thought and liberty of action, to recur to the olden time of chartered guilds and exclusive companies, prescribing, if not the modes, at least the hours of manufacture? There was, indeed, in the present day, a zeal, he might almost say an excessive lust, of legislation, a mania for making little laws for little occasions, when they ought rather to be doing their best to be getting rid of those which were causing the mischief. They ought rather to look at the causes of the disease than at its effects and symptoms—they ought rather to look for general preventions than for particular nostrums—they ought rather mend the general health than botch up in detail a few offensive and irritating sores—let them turn their minds rather to a consideration of their financial difficulties—let them, at proper times and seasons (for he was not anxious to hurry on the country too fast and too far) consider whether these difficulties did not arise from restrictions, rather than increase their number. Let us endeavour to exchange what we manufacture more cheaply than our neighbour for what he produces more cheaply than ourselves. If they attempted that, and succeeded even in but a partial degree, he was disposed to believe that there would be but little need for Commissions of Enquiry, and Factory Bills, and Truck Bills; and if they had attempted it, and succeeded but partially, he believed there would have been but little clamour for Parliamentary Reform, and there would have been no need of Coercion.

Colonel *Torrens* objected to the Bill being referred to a Committee up-stairs with such instructions as those recommended by the noble Lord. Parents might be willing to make the sacrifice of the wages attendant on a diminution of the hours of working to ten, but he doubted whether they would agree to limit the hours to eight. If the course recommended by the noble Lord, the Chancellor of the Exchequer, were adopted, he was sure the beneficial tendency of the Bill would be defeated.

Mr. *Hume* said, that though it was an established principle or rule, that any restriction or regulation of labour or wages was mischievous, yet he thought the case of children was an exception to that rule. He had voted for a Commission of Inquiry on the grounds of the complaints as to the allegations preferred against that important interest, the manufacturers of this country; but he was of opinion that now, when so strong a feeling had been raised in the public mind, that the Bill ought to be discussed, clause by clause, in a Committee of the whole House, in order that the public might know all the bearings and principles of the Bill. By sending the Bill to a Committee up-stairs, not one hour would be saved. A Committee had already sat, and a Commission of Inquiry had been issued, and this was the proper time to come to a decision upon the subject. The charges of partiality which had been raised against the Commissioners, who were, no doubt, honorable men, would not be set aside by the secret inquiries of a Committee up-stairs, and therefore the discussion ought to be in this House, so that every man might know the opinions in favour and the opposition offered to every clause of the Bill. Such a course would afford satisfaction to the country, and believing it to be the best for all portions of the community, he should support the motion for going into a Committee of the whole House.

Mr. *Matthias Attwood* said, he agreed with most of the remarks of the hon. member for Middlesex, with regard to the propriety of going into a Committee of the whole House upon the Bill, although he did not think that Ministers brought forward the Amendment merely for the sake of delay. He also fully appreciated those feelings which animated the hon. member for Salford (Mr. Brotherton), in referring to his own early sufferings—feelings which, in his opinion, and evidently in that of the House, had done the hon. Member the greatest honour. The House had heard a great deal said about the excitement which undoubtedly prevailed among the population of the manufacturing districts; but what was the course proposed by his Majesty's Ministers likely to produce, if not additional excitement? What

other interpretation could the people, or would they probably, put, upon the sentiments which had dictated the Amendment of the noble Lord, but that the Ministers were unfriendly to the Bill? What necessity was there for a Select Committee? There had already been a Report from a Committee up-stairs. They had the Report of the Factories' Commissioners. The question was not a mere question of the feelings of Englishmen, but a question of the feelings of humanity—a question of the grossest injustice—of utter destruction, inflicted upon the feeble and the unprotected. It was not a question of pounds, shillings, and pence—not a point to be settled on the grounds of mercantile advantage. The Select Committee was to be bound by an instruction with respect to the age to which the protection was to be extended; but was the noble Lord, the Chancellor of the Exchequer, aware, he asked, of the provisions of the Bill of the noble Lord (Ashley)?

Mr. *George Wood* thought the House ought not hastily to come to a decision upon a subject of so much importance. He rejoiced much at the manner in which the feeling address of the hon. member for Salford had been received by the House; and though his hon. friend had pointed out a middle course to be pursued on this question, yet he feared, from the tone and temper manifested by the advocates of the Bill, there was but little chance that a middle course would be adopted. He, however, hoped the House would not proceed to adjudicate lightly upon this important question. The existing law had not been proved to be ineffective; and until it was shown that the proposed prohibition or restriction would be so, great caution should be used. The hon. Baronet (the member for Oxford) had made a strong appeal to the feelings, by calling upon the House to afford protection to young women under eighteen years of age, by passing this Bill; but he would remind the hon. Baronet, that in such an event as the Bill passing with its present restrictions, females under eighteen would be discharged by the master, and those above eighteen years of age, whether unmarried or married, would be employed; and if the latter were the case, the effect upon the state of society would be most prejudicial.

Lord *Stormont* contended, that the effect of the proposition of the noble Lord, the Chancellor of the Exchequer, would be, if not to throw the Bill out altogether, at least to delay it from passing during the present Session, which was near its close. The Session might, perhaps, last two months longer. Hon. Gentlemen were very difficult to please; but even if it did last the period he had mentioned, there would not be sufficient time for passing this measure if it were now sent to a Committee up-stairs. He considered this one of the most important measures of the Session, and he should therefore vote for the House going into a Committee.

Mr. *Poulett Thomson* wished to recal the attention of the House to the real subject before them. The hon. member for Whitehaven had charged his noble friend with a desire to delay the Bill, but if the hon. Gentleman had only heard his noble friend's statement, he would have seen that there was no foundation whatever for the allegation. The right hon. Gentleman contended, that the Bill in its present shape could not be passed without much discussion and a great waste of time, and that the proposition of his noble friend, instead of impeding, would have the effect of facilitating its progress in such a form as would give general satisfaction to all parties interested in it. The Committee up stairs was not intended to receive evidence, but merely to see whether the protection proposed to be given by this Bill might not be carried even further than it had been carried by the noble Lord. The subject was one of such difficulty and delicacy that it could not properly be discussed by a Committee of the whole House; and hence his noble friend's anxiety to have it sent to a Committee up stairs, where it could receive all the consideration it deserved. For his own part he should like to have the whole subject fully discussed, and he was satisfied if it were completely argued out, the ignorance and delusion that prevailed regarding it would be effectually dissipated. It had been said, the Lord Chancellor was the protector of all infants who have property, and this House was called upon to make itself the protector of all infants who have no property but their labour. He entirely agreed in that sentiment; the House was bound to take under its protection not only infants, but every other of his Majesty's subjects; but protection might sometimes be an injury, as arose from the very protection of the Court of Chancery, where the protection was often very dearly paid for by those parties who were unfortunate enough to obtain it. He felt confident of what would be the result of

the decision of the House. Although a cry had been got up abroad—although he was one of those who personally had suffered—although his name was mixed with those who were designated as cruel, inhuman, and infant-killers, he treated such paragraphs with the most perfect contempt. He felt satisfied that sooner or later the people would learn who were their true friends. He felt satisfied, that no man would lose by honestly opposing the passing feelings of the people of this country. As he did not value approbation bought by sacrificing what he believed good for them, so he did not value contumely and odium, which would attach but temporarily, for objecting to and opposing measures which he considered improper. On the question of time he felt that there was no difficulty whatever. He was satisfied, that by referring the question up-stairs, they would have the Bill brought in in the state in which it was to be submitted to the House, on which he thought it would be at the present moment spending the time of the House if he followed the noble Lord. The noble Lord very naturally felt anxious that his measure should pass. He had no doubt that the noble Lord conscientiously thought, that the principles of his own Bill were the best. From this he entirely dissented. There was one thing in which he agreed with the noble Lord, namely,—the protection of infant labour to a certain age. He concurred also, in the means, and he was satisfied, that they would obtain the object desired by going into a Committee up stairs. He was satisfied, that there would result from it a measure carrying into effect some portion of the noble Lord's (Lord Ashley's) views, blended, as far as possible, with the proposition of the noble Lord, the Chancellor of the Exchequer.

Mr. *Cobbett* said, that they had had abundance of evidence and figures. The hon. Member's (Mr. Poulett Thomson's) language was sometimes literal and sometimes figurative; but the whole amounted to this—mammon against mercy. After the eulogium on the humanity of the House pronounced by an hon. Baronet (Sir Samuel Whalley), he trusted that mercy would prevail. He trusted, that it would. But, at any rate, if they were not to be so humane as the hon. Baronet anticipated, he expected they would be, at least, sincere. If they were sincere, how could any man say, that a Committee up stairs could take a book containing 1,500 pages, could analyse and understand it all, and compare its contents with another book of 800 pages, and see if they corresponded in their statements—if there was any man in the House who would say that that could be done in less than two or three months, he should begin to think, that some hon. Members were not so sincere as they wished to seem. He would be sincere at any rate. He would say on the part of his constituents, that about 300,000 of the most helpless creatures in the world were holding up their hands for mercy. They implored that House to rescue them from the worst slavery in the world, from the merciless master's frown, and that House should not reject their prayer.

Mr. *Sheil* reminded the House, that Resolutions on this subject were first introduced into that House by Mr. Sadler years ago, and were supported by an appeal to much evidence. The noble Lord, the Chancellor of the Exchequer, at that time admitted, that it was a fit subject for legislation, but suggested that the Resolutions were not sufficient, and that a Bill ought to be presented. Accordingly a Bill was drawn up and presented, and upon some suggestions was deferred. A great deal of evidence had been since obtained, and as for himself he could truly say, that he was present at the detail of so much misery that it had gone beyond anything he could conjecture or any statement he could make of it. The Parliament was then dissolved, and the matter was brought forward in the new Parliament by the noble Lord (Lord Ashley) who stepped into the honourable station held by Mr. Sadler. When the question was pressed, an application was made for a Commission, and carried by a majority of one. ["*More.*"] One, he believed; but, however, he would not object to add another. It was now nearly two years since the proceeding commenced, and now it was proposed to go before a Select Committee. First, there was the resolutions of Mr. Sadler; then the declaration of the noble Lord (Lord Althorp), that it was a proper matter for legislation; then a Bill was presented; then evidence was heard; then the matter was again brought forward, supported by this new evidence; then there was a Commission; and now, after all, there must be a Select Committee! For what purpose were they to examine the Reports of the Commissioners? Why did not the House proceed at once to a Committee of the whole House? The books of the Commissioners contained a great mass of evidence, although it was stated

that the Commissioners had penned the evidence in a brief compass, and had printed their inferences from it. Was the matter to be left to the Select Committee? If so, it would have a two-fold result; it would, in the first place, be delayed beyond the Session. Would the noble Lord, the Chancellor of the Exchequer, undertake that the Committee should report within a week—within a fortnight then? If this were agreed to, the case would be different. If the Bill did not pass through Parliament, there was another thing to be considered,—the manner in which public opinion would be affected. He admired the lofty intrepidity with which the right hon. Gentleman (Mr. Poulett Thomson) had spoken of public opinion; but nevertheless public opinion must and would have its way. Had not the West-India question been yielded to public opinion? Had not the twenty millions been given in consequence of public opinion? He would ask, was the Bank Charter left to a Select Committee? No, it was cut short by the noble Lord. Why did they not refer the Irish Church Reform to a Select Committee? No; they were anxious to bring the matter at once to an issue; but the miserable children were to be allowed to perish, while the Committee was sitting up-stairs. Did they expect that the people of England would submit to a measure which combined the baseness of Mammon with the ferocity of Moloch.

Mr. Secretary *Stanley* said, that the hon. and learned Member (Mr. Sheil) had led the House to imagine, that they were about to refer the question to a Committee to consider whether they would legislate or not, and upon what principle. It was for neither one nor the other, for both were equally beyond the consideration of a Select Committee. It was only proposed to refer the Bill to a Select Committee to consider its details, and in order to enable Gentlemen to come to the consideration of the question with more knowledge of the real circumstances, with more calmness, more temper, more of dispassionate investigation, than had been shown by the hon. and learned Gentleman, with more deliberation than it was possible for the details of a measure to meet with in a Committee of the whole House. The West-India Company, the East-India Company, the Bank Charter—none of these questions, had yet come to that point at which they referred this to a Committee. They were not on the question whether they should bring in a bill or not; but here was a bill requiring amendments, for which they call for a Committee. They could in Committee settle the minute details to be followed up by the House. He could not follow the arguments which had been used by some hon. Members. One hon. Member had talked of sacrificing mercy to Mammon; and the hon. and learned Member had said something about Mammon and Moloch; but the hon. and learned Member was too figurative; his imagination was too fruitful in ideas; for him to follow the argument of the hon. and learned Member. He was asked what was the object of referring the Bill to a Select Committee? It was not to interfere with the principle of the Bill, which was sanctioned, nor to legislate on the Bill, for that was determined upon; but in order that they might deliberate more calmly, and that the Bill might be more speedily and satisfactorily brought to a conclusion, consistent with humanity, mercy, and sound policy.

Mr. *Hardy* thought, that the course proposed, of submitting the matter to the investigation of a Committee up-stairs would impress the country with a belief that it was intended to conceal the delinquencies of the master manufacturers under that covering. For this reason he deprecated that course. He meant not to say anything in disparagement of the Factory Commissioners. He believed them to be on the whole honorable men. But he was of opinion, that they had not chosen a favorable period of the year for the prosecution of their examinations. He knew many of the Commissioners personally, and was convinced, that they were incapable of unfairness in the prosecution of their inquiries. But, he repeated, they had undertaken them at the wrong period of the year. They went forth in the month of June—the month of all others most calculated to give a favorable coloring to their Report. They instituted their inquiries into the condition of the factory children, he insisted, at a period when that condition was presented under the most favorable appearances—when the factories were newly whitewashed, and when every thing in the way of comfort that was attainable by the wretched inmates was accomplished. They ought to have gone in the winter season to make their examinations and their inquiries; and then they would have observed the wretched and desolate condition of the poor inmates of the factories,

exposed to all the inclemencies of the weather. It was not correct to say, that children of fourteen years of age were capable of protecting themselves, when it was well known that their labour was sold, as well as those of a less mature age. For the sake of the Commissioners, he thought, that the investigation ought to be open and fair, and he thought they would come to a conclusion in far less time than if they were above stairs. He agreed with the hon. member for Middlesex, that they had lost time in this discussion; and if they had referred the Bill to a Committee of the House, the last five hours would have been more profitably occupied in going into the details of the Bill, and some of the material points might have been settled. Knowing the feelings of the country on this subject, he implored the Government to consider well what they were doing, and not interpose any delay to the satisfactory settlement of this question.

Mr. *Slaney* recommended the noble Lord (Lord Ashley) to make some concession in his propositions for the purpose of carrying them into effect. The difference between the two propositions before the House, the one being, that all children under eighteen years of age should work but ten hours a day, the other that all under fourteen should work but eight, was not so great as to require much time to settle it. But surely the difference between these two propositions could be better settled in a Select Committee than by any other plan of investigation. In case the Motion of the noble Lord (Lord Althorp) should be carried he (Mr. Slaney) trusted the noble Lord would be prepared to bring the Bill to a conclusion during the present Session, as might be recommended by the Committee, the appointment of which depended on the vote of the House this night.

Mr. *Sinclair* would cordially support the proposition of the noble Mover, and the more so, as, according to the new arrangement of his noble friend opposite, with respect to public business, Committees could only meet two or three days during the week. He hoped, that Parliament would not be prorogued until this most important measure had been finally and satisfactorily adjusted. His Majesty's Ministers would wish the House to continue its labours until the West-India question had been settled; and the people of this country, however anxious they might be for the liberation of the negroes from a state of misery and degradation, would have great cause for complaint and irritation, if, while Parliament was kept sitting for that purpose (a purpose most laudable in itself), their Representatives did not manifest an equal anxiety to relieve the helpless children of their countrymen from a system of wretchedness and debasement.

The House divided on Lord Althorp's Amendment — Ayes 141; Noes 164: Majority 23. Main Question agreed to.

The House resolved itself into a Committee *pro formâ*, and then resumed. The Committee to sit again.

List of the NOES.

ENGLAND.

Aglionby, H. A.
Ashley, Lord
Attwood, M.
Attwood, T.
Baillie, J. E.
Barnard, E. G.
Beauclerk, A. W.
Bell, M.
Bewes, J.
Blake, Sir F.
Blunt, Sir C. R.
Brigstock, W. P.
Briscoe, J. I.
Bruce, Lord E.
Bruce, C.
Buckingham, J. S.
Bulwer, H. L.
Burrell, Sir C.
Buxton, T. F.
Calcraft, J. H.
Cayley, E. S.
Chandos, Marquess of
Chaplin, Colonel T.
Clayton, Col. W. R.
Clive, Viscount
Cobbett, W.
Cornish, J.
Curteis, Captain
Darlington, Earl of
Dillwyn, L. W.
Dugdale, W. S.
Eastnor, Viscount
Estcourt, T. G. V.
Evans, Colonel
Faithful, G.
Fancourt, Major
Fellowes, H.
Fellowes, Hon. N.
Fielding, J.
Finch, G.
Fordwich, Viscount
Forster, C. S.
Gaskell, J. M.
Gaskell, D.
Gladstone, W. E.
Gore, M.
Grimston, Viscount
Gronow, R. N.
Guest, J. J.
Gully, J.
Halcombe, J.
Halford, H.
Hall, B.
Handley, H.
Hardinge, Sir H.
Hardy, J.
Harland, W. C.
Henniker, Lord
Hoskins, K.
Hope, H. T.
Hume, J.
Humphery, J.
Hutt, W.
Ingilby, Sir W.
Irton, S.
Jermyn, Earl
Jerningham, Hon. H.
Key, Sir J.
Lamont, Captain N.
Langdale, Hon. C.
Leech, J.
Lister, E.
Lopez, Sir R.
Lowther, Colonel H.
Lyall, G.
Manners, Lord R.
Nicholl, J.
Norreys, Lord
Nurton, F.
Ossulston, Lord
Parker, Sir H.
Penleaze, J. S.
Paget, F.
Palmer, R.
Peter, W.
Poulter, J.
Price, R.
Pryse, P.
Robinson, G. R.
Roebuck, J. A.
Rotch, B.
Scarlett, Sir J.
Scholefield, J.
Scott, J. W.
Shawe, R. N.

Somerset, Lord G.
Spankie, Sergeant
Spry, S. T.
Stanley, E.
Staunton, Sir G. T.
Stewart, J.
Stormont, Viscount
Thompson, Alderman
Throckmorton, R. G.
Todd, J. R.
Tooke, W.
Torrens, R.
Townley, R. G.
Townshend, Lord C.
Trelawney, W. L. S.
Tynte, C. T. Kemyss
Tyrell, C.
Verney, Sir H.
Vernon, Hon. G. J.
Vincent, Sir F.
Walter, J.
Wason, R.
Whalley, Sir S.
Whitmore, T. C.
Williamson, Sir H.
Willoughby, Sir H.
Young, G. F.

SCOTLAND.

Agnew, Sir A.
Dalmeny, Lord
Gillon, W. D.
Hay, Sir John
Maxwell, Sir J.
Pringle, R.
Sinclair, G.
Stewart, E.
Wallace, R.

IRELAND.

Baldwin, Dr.
Bateson, Sir R.
Bellew, R. M.
Butler, Hon. P.
Chapman, M. L.
Christmas, J. N.
Cole, Hon. A.
Corry, Hon. L.
Daly, J.
Finn, W. F.
Fitzsimon, N.
Galway, J. M.
Hayes, Sir E.
Lefroy, Dr. T.
Lefroy, A.
Lynch, A. H.
Maxwell, H.
Mullins, F. W.
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Connor, F.
O'Connor, Don
O'Dwyer, A.
O'Ferrall, R. M.
O'Grady, Colonel S.
Perceval, Colonel
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Verner Colonel W.
Vigors, N. C.
Walker, C. A.
Wallace, T.

Paired off in favour of Lord Ashley's Bill.

Fitzgerald, T.
Fitzsimon, C.
Hanmer, H.
Harvey, D. W.
Hughes, H.
Lennox, Lord W.
Petre, Hon. E.
Tennyson, C.
Vivian, Sir H.

For Lord Althorp's Motion.

Andover, Lord
Bowes, J.
Fazakerly, J. N.
Kerry, Earl of
Molesworth, Sir W.
Pelham, Hon. C.
Yelverton, Hon. W. H.
Marryatt, T.

HOUSE OF LORDS,
Monday, July 8, 1833.

MINUTES.] Bills. Read a third time:—Limitation of Actions.—Read a second time:—Corporation Offices.

HOUSE OF COMMONS,
Monday, July 8, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. GUEST, a Return from the Clerks of the Peace in England and Wales, stating whether the general business of the County is transacted in open Court: also the Number of Officers promoted to the Rank of Lieutenant Colonel, with or without Purchase, in each year, from 1815.—On the Motion of Mr. KEMEYS TYNTE, Accounts of the Imperial Gallons of British and other Spirits which paid the Home Consumption Duty in the United Kingdom, in 1831 and in 1832: also the Number of Gallons of Spirits bought by the Victualling Board, not Duty paid, in the same space of time, and the Quantity allowed to each Man in the Army and Navy as daily Rations.—On the Motion of Lord ALTHORP, an Account of the Salary and Emoluments of the Master of the Rolls and his Secretaries for the last three years: also the Salary and Emoluments of the Vice-Chancellor, and his Secretaries, for the same period.

Bills. Read a second time:—Tithes Commutation; Assessed Taxes Commutation; Irish and Scotch Vagrants Removal; Weights and Measures Act Amendment.—Read a third time:—Burgh Police; and Burgh Magistrates (Scotland); Sea Apprentices.

Petitions presented. By Mr. GILLON, from Falkirk and Airdrie, for Alterations in the Royal Burgh (Scotland) Bill.—By Colonel DAVIES, from Heathfield, complaining of the Operation of the Poor Laws.—By Mr. CHARLES WOOD, from Flixton, against the Highways Bill.—By Sir ROBERT INGLIS, from the Archdeaconry of Stafford, against the Irish Church Temporalities Bill.—By Admiral FLEMING, from St. Ninian's, for dissolving the Union between Church and State.—By Mr. RUMBOLD, from the Shipowners of Yarmouth, for an Alteration in the Laws relating to Pilotage; and from the Shipbuilders of the same Place, for an equal Duty on Imported Timber at the Isle of Man, as is paid by Petitioners.—By Sir JOHN KEY, from a Number of Congregations in the Metropolis, against Slavery; from St. Giles's, Cripplegate-without, for the Repeal of the House and Window Tax.—By Mr. E. L. BULWER, from Lincoln, for the Reform of the Ecclesiastical Courts of that City; from Dumfries, for the Repeal of the Duty on Newspapers.—By Mr. CLAY, from the Silk Weavers of Bethnal-Green Road, in favour of the Factories' Regulation Bill; from All Saints, Poplar, against Extending the Rating of Tenements Bill to Houses &c. below 20*l.* yearly Rent; from St. John's, Wapping, complaining of unequal Taxation; from the Commercial Navy of the United Kingdom, for a Code of Laws for Merchant's Shipping: from East Smithfield, for the Abolition of Naval Impressment; from the Silk Weavers of Spitalfields, against the Importation of Foreign Silk Goods.—By Mr. ABERCROMBIE, from the Solicitors of the Supreme Court of Scotland, for the Repeal of the Attornies Tax; from the Taylors of Edinburgh, against the Annuity Tax Bill; from the Working Classes, that all direct and indirect Taxes may be Repealed and Replaced by a Property Tax.—By Mr. GOULBURN, from the University of Cambridge, against the Tithes' Commutation Bill.—By Captain DUNLOP, from several Places, against the Royal Burghs (Scotland) Bill.—By Mr. POULETT SCROPE, from Bath, for Poor Laws to Ireland.—By Mr. E. L. BULWER, from Lincoln; and Mr. Sergeant PERRIN, from Dublin, against the Apothecaries Bill.—By Dr. LUSHINGTON, from certain Individuals, against the Lord's Day Observance Bill; from the Merchant Seamen of the Port of London, against the Contribution to Greenwich Hospital; from St. George's, Middlesex, for Removing the Restrictions upon the Importation of Foreign Sugar; and by Mr. GROTE, from the Sugar Brokers of London to the same effect.—By Mr. HUME, from Llanidloes, for the Performance of the Church Service in the Welsh Language; from Englishmen at the Cape of Good Hope, for Compensation, if the Slavery Abolition Bill should pass.—By Sir ROBERT SIMEON, from Cowes; and Mr. PENDARVES, from Penzance, against the Notaries Public Bill.—By the Earl of ORMELIE and Mr. OLIPHANT, from Perth, against the Bankrupts (Scotland) Bill.—By Admiral ADAM, from several Places, in favour of the Clackmanan and Kinross Parishes Bill; and by the Earl of ORMELIE, from Murkhart, &c., against that Bill.—By Lord NORREYS, from Burford; by Mr. PHILPOTTS, from Gloucester; and by Mr. JAMES BULLER, from Exeter, against the proposed Measure concerning the Bank of England Charter, as not calculated to remove the evil.—By Mr. TOOKE, from the Carriers between Truro and other Places in the West, for a Repeal of the Duty on Vans.—By Lord MILTON, Mr. WILKS, and the Earl of ORMELIE,

from several Places, against Slavery.—By Sir ROBERT FERGUSON, from the City of Londonderry, for Protection to Passengers Emigrating.—By Mr. DAVENPORT, from the Staffordshire Potteries, against the Rating of Tenements Bill.

CHURCH TEMPORALITIES (IRELAND).] Lord Althorp moved the Order of the Day for the third reading of the Church Temporalities' (Ireland) Bill.

The Bill was read a third time.

Mr. *Shiel* rose to move the addition of a clause, by way of rider; the object of which was to reduce the incomes of all the Irish Bishops to 3,000*l.* per annum, and of the Archbishops to 4,500*l.* He complained that, in the case of the Archbishopric of Armagh, which it was proposed to reduce from 14,000*l.* to 10,000*l.* a-year, the Government had not taken into consideration the probable increase of income which was stated by a return before the House, to amount to 6,000*l.* per annum. Thus, instead of reducing the income of the future Archbishops of Armagh to 10,000*l.* a-year, they would increase it to 16,000*l.* In two other instances, the probable increase of income amounted to 700*l.* The bishoprics which were to remain, would also have a great increase of patronage. To the fifty-one livings in the gift of the Archbishop of Armagh would be added the thirty-six livings in the gift of the Bishop of Clogher, and so with others. Thus, the scheme would only diminish the income of one Bishop (Derry), whilst it would add to the patronage of the whole. He saw no reason why the Bishops should receive such large incomes; and he considered it highly objectionable that so great an inequality in the incomes of the different bishoprics should continue to exist. He proposed to put them all on the same footing as was the case with the Judges, and in order to give the House the opportunity of deciding this principle, together with that of the reduction of Bishops' incomes.

Mr. *Hume* seconded the Motion; and if it were only for the sake of getting rid of the inconvenience and abuses attending the present system of translation, he would support the proposition.

The Clause read a first time.

On the Motion that it be read a second time,

Mr. Secretary *Stanley* said, that with regard to the Archbishopric of Armagh, that diocese was peculiarly situated. There was an outstanding debt for repairs, &c. on that see, which debt was from time to time increased, and, consequently, a large annual payment was required from the Archbishops. The nett produce of the see was only 14,000*l.* a-year, and the prospective increase would not come into possession till all the incumbrances were paid off. When that time arrived, it would be quite competent to Parliament to deal with it, and carry into effect the example now set. With regard to the patronage, he thought it better to bestow it on the Bishops, who would have increased labour and responsibility, than on the Commissioners or the Crown, whose motives would certainly be suspected and maligned. The rider was altogether inconsistent with the principles of the Bill, and the subject of it had already been discussed and negatived. Even were they to agree to the Motion, it would be fallacious to imagine that the surplus would go to the public Treasury, for the Bishops, whose income was made up from fines, fees, and rents, would have no interest in demanding more from their tenants than the amount of their own incomes. They would not put themselves in bad odour with their tenants for the sake of raising money for the public Treasury, and they would be foolish if they did so. He, therefore, objected to the Motion.

Mr. *Andrew Johnston* said, he was determined to move the previous question. He had always understood that the hon. member for Tipperary had, in common with the other Roman Catholic Members of that House, pledged himself, by his oath, not to interfere with matters affecting the stability of the Protestant Church. He was a Protestant Member of that House, and he conceived that no Roman Catholic ought to interfere in the discussion of any question affecting the interests of the Protestant Church; or take any steps calculated to weaken that establishment, or in any way affect the Protestant religion. He was aware that the hon. and learned member for Dublin had, on former occasions, endeavoured to overwhelm him with argument, but he did not think the hon. Member was successful. He knew that the Council of Constance and the Council of Lateran had decreed certain regulations with respect to the Catholic doctrines. He would quote the opinions of Mr. Wilmot Horton, who stated, that though an advocate for the Catholic claims, he thought they ought not to vote upon questions affecting the Protestant Church. The hon. and learned Member (Mr. O'Connell) had alluded to him in a manner, which, if it had not been for the declaration of the hon. and learned

Member against a certain usage which had long prevailed in society, and if it had not been for those principles of religion to which he (Mr. Johnston) meant ever to adhere, might have led to results very different from those of calm discussion. At the same time that he admitted the propriety of the hon. and learned Member's conduct in refusing to engage in personal contests, he thought it was the hon. and learned Member's duty, under such circumstances, to avoid even the appearance of offence to any party whatever.

Mr. *O'Connell* said, he should speak with the greatest calmness, on the subject notwithstanding the charges brought against him by the hon. Member. The hon. Member took credit to himself for being perfectly polite. Some of his language did not precisely justify the hon. Member in his assumption; but, however, it was certain, that the hon. Member was a meek and forgiving Christian, for he protested to Heaven that he was so, and he was right, according to his own account, for those whom he chose to persecute were the enemies of the Lord, and no Christians. He was prepared to cut the throats of the unbelievers, and to tell them afterwards, that he did so in mercy to the survivors. The hon. Member had read them a homily, and had argued that this measure was brought forward of malice prepense to the Church. He had also asserted, that the oath taken by Roman Catholic Members of Parliament ought to prevent them from voting upon the subject; but was there any inspiration in a certain number of pounds, shillings, and pence? He (Mr. O'Connell) had heard, before, that godliness was great gain, but he had never before heard that great gain was godliness. He was not aware of the *tertium quid* which could reconcile the difference between the parties. The hon. Member would do well to take care of his own conscience, and not mind the conscience of others. With respect to the theological principles of hon. Members, he was of opinion, that they ought not to be attacked, unless the aggressor knew something about them. The hon. Member fancied, that the decisions of a Council were binding upon a Roman Catholic in temporal matters. He had frequently shown the fallacy of that supposition of the hon. Member, and this was the last time that he should take the trouble of replying to such arguments. With respect to the oath which had been taken by Roman Catholic Members, he had stated the grounds upon which he had taken that oath. He would not deny, that a foreign prelate had spiritual jurisdiction over him and twenty-five Members of that House.

Sir *Robert Peel* wished to express his opinion, that the right hon. Gentleman deserved credit for not having advised the Crown to assume the whole patronage of the Church. He was of opinion, that no better system could be devised than that which placed the responsibility of making a proper election of clergymen upon twenty-two individuals, in every way qualified to carry into effect the intentions of the Legislature. At the same time, he objected to the power which the Bishops' tenants were to possess, of changing the leases by which they now held land into perpetuities. Some of the Bishops had let their lands for a mere trifle, and in such cases, for a mere trifle, the tenant would, by this Bill, acquire the fee-simple of the property. He would suggest, that they should guard against such cases.

Motion negatived.

Mr. *Shiel* then rose to move the introduction in the preamble of the Bill of a recital, declaratory of the right of the Legislature to make such appropriation of the property of the Church as should most conduce to public utility. He made this Motion in consequence of the unanticipated, unfortunately, he might add, discreditable, withdrawal of the 147th clause of the Bill; that clause contained a principle, which he sought to restore, and without which he was convinced, that the measure would be unavailing. It was true, that Church-cess was abolished, but the Irish people would look, not to what was conceded, but to what was withheld—to what was omitted, not to what was retained—would compare the original tender with the ultimate fulfilment, and contrast the magnitude of the promise with the diminutiveness into which the performance had lamely and impotently dwindled. Let it also be borne in mind, that, while this Bill operated as a release to the people, it worked as a confirmation to the Church. It released the people from the payment of a few thousands annually, and confirmed the clergy in their doubtful title to upwards of a million of pounds. It actually made an addition to their wealth, by applying the perpetuity fund to the increase of livings. A new mine was opened, and its products were to be applied to the enrichment of the tabernacle. As

the Bill stood, it did not meet the great and paramount grievance; and, in order to render it productive of good, he should move the introduction of a recital, which would countervail the pernicious inferences in principle, which would be drawn from the Bill. It would counteract the bad results which would arise from the subtraction from the Bill of its vital and essential parts. Although he had proposed the assertion of an abstract principle, he did not think it necessary to enter into any abstract discussion, because he did not address himself so much to those who did not coincide with him on the speculative question, as to those who agreed with him in its truth, but doubted the propriety of giving it, at this juncture, a legislative expression. He should not, therefore, take the course which he had pursued on former occasions, when he had urged the distinction between corporate and private property, and had relied on the uniform example of all Protestant and Catholic Europe—the precedents to be found in our own history, in that of Ireland, and of Scotland—the policy adopted in our Transatlantic possessions, where the Catholic Church had been established by treaty, but where Protestant property was exempt from ecclesiastical taxation, and thus the Catholic establishment had been deprived of a large portion of its revenues. Neither did he conceive it judicious to press, on this occasion, the recent precedent afforded in the great diocese of Durham, where a portion of the property of the Church of England had been diverted from its former purposes to pursuits entirely unconnected with religion; these arguments would be applicable, if he sought to make converts to his opinions; but he should not so much endeavour to produce a change of sentiment, as of conduct. He should not call on those who considered Church property to be sacred, to enter into a sacrilegious confederacy to rifle the sanctuary. It was not to the members for the University of Oxford, who were the sustainment of the Church, and well deserved to be its ornaments—it was neither on the absolute professors of unmodified Toryism, nor on those amphibious statesmen, who were radical in politics, and conservatives in religion, that he should presume to call;—he would appeal to those who had repeatedly declared, that the possessions of the Church were public property, that its opulence ought to be reduced, and appropriated in the manner most conducive to the national good;—and, above all, he would invoke the support of those who had voted for an inquiry, whether the possessions of the Established Church of Ireland were not more than commensurate to the duties to be performed by its ministers, upon an occasion rendered memorable by many striking incidents, and which was well remembered by the people of Ireland, however some of the individuals who took an active part in that transaction might require to have it recalled to their recollection. He had frequently alluded to it, but not when it was proposed to reduce to practice the principles professed in that conspicuous instance of the public virtue of the former Opposition. He should, therefore, very briefly advert to it, because the opinions expressed in their votes by so many of the auxiliaries of the present Cabinet were at all times, and especially at this moment, of the most signal consequence. On the 6th of May, 1824, the member for Middlesex moved this Resolution: 'That it is expedient to in-'quire, whether the present Church Es-'tablishment of Ireland be not more than 'commensurate to the services to be per-'formed, both as regards the number of 'persons employed, and the incomes they 'receive.'* The present Colonial Secretary resisted that Motion with a fervour and power from which it was not difficult to auspicate his future influence over the debates of that House. He maintained, that Church property was as inviolable as private property—as property, landed, funded, or commercial. He asserted, that the whole income of the Establishment did not exceed 327,000*l.* a year†; and, after expatiating on the incalculable advantages accruing to Ireland from her Establishment, he sat down amidst the acclamations of those who saw in him a man of great rank and talents, and animated by a disinterested and romantic enthusiasm in the cause of constituted religion. To that speech the hon. Baronet, the member for Westminster, replied, and not only denied the positions of the Colonial Secretary, but exclaimed: 'With 'regard to the Church of Ireland, the 'single question is, does that Church do 'good or evil? Is Protestant ascendancy

* Hansard (new series), Vol. xi. p. 559.
† Ibid. p. 564

'(for that is what is meant by preserving 'the Church) of so much benefit, that it 'must, at all hazards, be preserved; or is 'it not a curse to the people of Ireland?'* The division that ensued is preserved in *Hansard*—the names are given of those who voted in favour of the Resolution, in other words, in support of the principle which I seek to insert in the preamble: and, among them, the following occur:—R. Bernal, H. Brougham, Thomas Denman, Viscount Ebrington, Edward Ellice, Robert Gordon, J. C. Hobhouse, T. F. Kennedy, G. Lamb, W. L. Maberly, Lord J. Russell, and (an authority on all questions where the rights of property are concerned) J. Scarlett. It would be difficult to assemble names of more weight or character than these; and while their sentiments, thus recorded in a vote, which has become a part of the history of this great question, must have great influence over others, it is not unmeet to inquire why it was appropriate to express those opinions then, if it be inexpedient at this moment. It will, of course, be urged, that this Motion is inapposite, and that the time is infelicitously chosen to call, either on the members of the Cabinet, or those who are in its purlieus, to prove the faith that is in them. It would be difficult, however, to suggest any very sound reason for such boldness then, and so much caution now. Not only all reserve was thrown off in the oratory of the great leaders of Opposition, but in their votes a great principle of legislation was embodied; and surely if it was wise to set them forth in a Resolution, which could only be prospective, it is much more incumbent on the professors of these opinions, to act on them, and make them the foundation of their proceedings in this measure of ecclesiastical reform. He entertained a confidence in the support of many of the distinguished individuals who had taken a part so prominent on that occasion; and was sure that they would not prove themselves mere sentimentalists in politics, who, like sentimentalists in religion, substitute the protestation for the performance; and consider that the warm profession supersedes the practice of public virtue. Having touched on the signal precedent supplied by the eminent individuals to whom he had just alluded, he should proceed to another example, to which he had not on former occasions referred the House, but which was perhaps more remarkable than even the vote which he had just cited. On the 14th day of June, 1825, the member for Middlesex, who was not to be deterred from his purpose, brought another and a still stronger resolution forward. That Resolution had afforded him the groundwork of the preamble which he proposed; and lest there be any person disposed to start on hearing it, he begged to mention, that it had received the coincidence of the present keeper of his Majesty's conscience. The member for Middlesex moved, that 'the property in the possession 'of the Established Church in Ireland is 'public property, under the control of the 'Legislature, and applicable to such pur-'poses as in its wisdom, it may deem bene-'ficial to the best interests of religion, and 'of the community at large; due regard 'being had to the rights of every person 'in the actual enjoyment of any part of that 'property.'* This was certainly a strong Resolution. The present Colonial Secretary had not at the time an opportunity of inveighing against it, for he was in Canada, where he might have observed the justice and soundness of the principle, on which Protestants are exempted from the payment of tithes to the established Roman Catholic Church. Mr. Canning replied to the member for Middlesex, as did the member for Tamworth (Sir Robert Peel); but who replied to them, and took them somewhat rigorously to task for the doctrines which they had laid down respecting the intangible character of ecclesiastical property? It had been recently rumoured that the Lord Chancellor professed himself to be the champion of the Established Church of Ireland. If he was so, it would be matter of curiosity to listen to the following extracts. 'He contended 'that both the mode of establishing Church 'property and the mode of dealing with 'it, were very different both in argument 'and practice, from the mode of estab-'lishing and dealing with private property. 'He would first say, that the property of 'the Church must be regarded, in the 'strict sense of the word, as public pro-'perty, if the Church were considered, not 'as individuals only, but as a large body 'of 2,000 persons and upwards, having 'duties depending on their situations.' '* * There was no sort of analogy between

* Hansard (new series) xi. p. 578.

* Hansard, (new series) xiii. p. 1157

'Church property and private property, 'which should lead to the conclusion, that 'the former should lead to the same in-'violability as the latter. The Church 'received its property for the performance 'of certain services, but private property 'was held unconditionally. As well might 'the pay of the army, as the property of 'the Church, be called inviolable or pri-'vate property, * * The property of the 'Church was conferred by the State, for 'the performance of certain services, and 'the Legislature might deal with it, when 'it was necessary, for the benefit both 'of the Church and the State.'* This was the language of Henry Brougham, between whom and Lord Brougham and Vaux, an honourable identity, he felt convinced, was preserved. Whoever accounted these sentiments as the mere fugitive effusion of the dissenting rhetoric of the opposition bench, did that illustrious man a great injustice, and imputed to him an indifference to his duty, and recklessness of his renown, of which he was incapable. It wa sunder the auspices of such great authority he proposed the insertion of the recital of which he had given notice, in the preamble of this Bill: he should not, indeed, make it quite so strong, but accommodate it to the caution of those, who, however zealous for the interests of Ireland, were disposed to tread with timid steps; and accordingly he should name the recital at the commencement of the Bill, thus: that beginning with the word "whereas," there be inserted the following words, 'Whereas the property in the pos-'session of the Established Church in Ire-'land is public property, under the control 'of the Legislature; and after making a due 'provision for the maintenance of religion, 'the surplus of said property is applicable 'to such purposes as the Legislature in 'its wisdom may deem most beneficial to 'the community at large.' This was the preamble which appeared to him calculated to render the Bill of substantial usefulness to the country, by laying down the true principle of legislation; and for that preamble, as he had the warrant of Whig authority out of office, he should prove that he had the same sustainment, in the conduct pursued by the most distinguished members of the Whig school, since they had had a golden opportunity of realizing their aspirations for the good of Ireland. He had quoted the sentiments of the second person in his Majesty's Councils. He should proceed to cite the language of a Nobleman not in office, but who had, from his being above the approaches of an injurious conjecture, a more than ministerial influence over the independent portion of the Members of the House. The noble Lord, the member for Devonshire, (Lord Ebrington) who was the standard-bearer of a great party, and stood forward as its representative in moments of peculiar crisis, had at the close of the last Parliament expressed himself in a very unqualified manner in reference to the establishment: at that period the celebrated prospectus for settling the tithe question, of which the issue had not corresponded to their benevolent designs, was brought forward. The Irish Members exclaimed against the propositions then suggested, and called for a thorough reform, founded on the great principle of new appropriation. That was the effect of the Resolutions moved by the member for Wicklow. The representatives of the great body of the people, insisted that nothing short of an announcement of the principle, would produce any benefit. In that debate, the noble Lord, the member for Devonshire (Lord Ebrington), rose in his place, and said, that until a reformed House of Commons should have assembled, a Reform of the Church would be premature; but he pledged himself, in case the Cabinet did not propose a substantial Reform, he would himself come forward, and originate the measure. What sort of Reform had the noble Lord in his contemplation? Was it a Reform, by which, in place of diminishing, the Legislature should augment the opulence of the Church? Was it a Reform, by which the leases of Bishops should be made perpetual, and the fund erected by those perpetuities (the produce of this new expedient) should be distributed among the Churchmen still? The noble Lord had supplied an answer worthy of his understanding, and of his integrity; for he declared, that he considered the wealth of the Church as enormous, and that the public exigency required that it should be reduced. The following were his words:—'He was most 'anxious to see a thorough Reform made in 'the Church Establishment of Ireland, for 'he considered such a Reform to be wanted, 'and he looked upon a Church Establish-'ment as an institution erected for the 'benefit of the State, and therefore liable 'to the regulation of Parliament. He

* Hansard, (new series) xiii. pp. 1161—1163.

'should most cordially support, and, if 'it were not undertaken by other parties, 'he would pledge himself, in the ensuing 'Parliament, if he were a Member, to 'bring forward, a Motion on the subject. 'He thought, that a Reform in the Church 'Establishment of Ireland was absolutely 'necessary to satisfy the people of that 'country. He did not, and could not, 'recognize the right of the Irish Church, 'to its present enormous revenues.'* These words were the exact ones, contained in *Hansard*—they were the words uttered by the noble Lord, and which would be recollected by every man who heard them. What was their meaning? What was the purpose of the noble Lord? Had he a new distribution merely in his mind? Did he contemplate the sale of the episcopal reversions in order to swell the opulence of the Establishment? What did he mean by saying, that the wealth of Churchmen was enormous? Did the Bill as it stood, touch the point of amelioration which the noble Lord had intimated? The noble Lord had now an opportunity of correcting the imperfections of this measure, and by expressing in the preamble the principle which the noble Lord had formerly laid down, preserve his consistency, and secure the gratitude of Ireland. Unless they adopted his Amendment, the Bill would deceive all the hopes of the people. It merely destroyed an impost of 60,000*l.* a-year, but it secured in perpetuity the enormous property of the Church. How, said Mr. Shiel, does it fulfil the promises and pledges of the noble Lord, the Chancellor of the Exchequer? What did the noble Lord promise? How did he pass the Coercion Bill? What was the appeal he made to the Irish Members? He proposed a measure to them from which they shrunk. The noble Lord proposed his Coercion Bill. The most sacred privileges by which British citizenship is characterized are to be at the discretion of the soldiery, the ordinary tribunals may be superseded, and the trial by jury is to give way to the judicature of the camp. Their constitutional instincts take fright. The noble Lord's supporters recoil from the infliction, almost as we do from the endurance of despotism, and they think it as dishonourable to play the part of the tyrant, as of the slave. The Minister re-assures them. He tells them, that the heart of the Cabinet beats with solicitude for Ireland, and, to cheer his followers on their way, points to the glittering spires of the Establishment, to which, under his guidance, through a difficult and dreary path, they are to make their way. The Irish Church Bill is announced, the reversion of the Bishops leases is to be taken from the hierarchy, and perpetuities are to be created, the produce of which is to be applied to such purposes as the Parliament shall determine. It was at once perceived, that here a great principle was contained; the House hailed the Bill, and even the hon. and learned member for Dublin (Mr. O'Connell), in a burst of unpremeditated gratitude, gave the measure a warm and cordial welcome. The hon. Member little thought (who could have foreseen?) what was to come to pass. "The Bill is read a first and second time, and goes through various stages in the Committee. Pending its progress, the great Captain thinks the time arrived for striking a blow. Windsor Castle is to be taken by assault; and my Lords, the Bishops, lead the forlorn hope. But the fortress is impregnable, a repulse is sustained, and all seems safe and well again. In this juncture, when the Minister seemed equally confirmed in the affections of the people, and the confidence of the Sovereign, the Secretary for the Colonies (it was to him that the task was assigned) comes down to this House, and astounds all parties, and dismays the auxiliaries of the Ministry, by an announcement, to which the annals of vacillation cannot afford a parallel. Like this there never yet was any thing; promise is heaped on promise, protestation upon protestation. When the Tithe Bill is passed, the Irish Church Bill is held out; when the Coercive Bill is passed, the Irish Church Bill is held out again. Men are persuaded to overcome their feelings, violate their principles, and contradict the tenor of their entire lives on the faith of this measure; and then, in an instant, without warning, without a previous hint, without the smallest intimation, the clause that contained all that was dear and precious to Ireland, all that was worth a jot, is relinquished. The life, heart, and soul, all that gave the measure its vitality and spirit, is abandoned; the pith, substance, the marrow and essence of the Bill is plucked out of it, and the husk, the rind, the void and valueless shell, the shrivelled and empty skin is left behind; and, as if this were not enough—as if it

* Hansard's (third series) xiv. p. 408.

were needful to make to injury the superaddition of affront, as if the understandings of Irishmen must needs be offended, while their rights are violated—they are told, that there has been no material change." No change! Was the principle of the Bill, then, nothing? Was it nothing here, and everything elsewhere? To the plebeians was it of no account, and to the great patricians was it all in all? The Lords would have rejected the Bill. Let them; better that they should undertake that office, than that the Commons should save them the odious task, and relieve them from the responsibility, by leaving ourselves to select as alternatives the most deplorable pusillanimity, or the most lamentable tergiversation. "The object of the proposition which I submit to the House is, to reinstate the principle of the Bill, by the recital of that truth, out of which all legislation ought to grow, or it would be fertile in evil, and barren of all good. To the operation of this principle there can be but three objections: the first which I anticipate is the dissent in another place. But surely 'the whisper of a faction' is not turned to thunder for the Ministerial ear. Let the dread of a dissent be once infused into our councils, and it would be better to repeal the Reform Act, and to restore the privilege of voting by proxy in this House. Let this fear be made the test of our legislation, and to the dignity and independence of the House there is an end. The Commons of England not only are not raised to their just position, but are sunk far below the level of constitutional equality. The Cabinet becomes tenant-at-will to the Whig Chief Baron, or rather to the Chief Baron of the Whigs. The second objection is, that this recital is inappropriate. 'Why', it will be said, 'declare the alienability, when you have not got the materials for alienation?' Because the alienability leads to the alienation; the materials for the latter are at hand. Declare a great principle and it will be speedily applied. It is said, there may be no surplus; yes—but there may be one; and the Legislature should legislate for the event of which they have prepared the likelihood. It will be said, 'You should not recognize one principle or the other.' But look into the Bill as it stands; the principle of inalienability is implied, 'other ecclesiastical purposes' is no insignificant phrase. That purpose which is expressed, supersedes every other.—*Expressum facit cessare tacitum.* The inference to be drawn from this Bill is, that Church property is intangible. That baneful conclusion ought to be rebutted; and the antidote is to be found in the preamble. But this, it will be lastly urged, is not the time. Not the time! When is it to arrive? Before the Reformed Parliament it was not the time until the Reformed Parliament; here is the Reformed Parliament, and the time has not yet come. When will it? When the Whigs are in opposition? What! If we are to wait until their official convenience tallies with the rights of Ireland, we shall have to wait long indeed. Or are we to abide until the Secretary for the Colonies shall change his mind? We who know Ireland long, and ought to know Ireland well, tell you, that this measure will be, without the recognition of this principle, utterly unproductive of the slightest good. It will be considered as an evasion, as a deception amounting almost to an imposture, a subterfuge through which men are to be enabled, to effect, from reiterated pledges, an ignominious escape. Without the recognition of this principle, the Bill will be deemed a variation of abuses, instead of a removal—an application to the Church of the principles which Toryism would have applied to the State, as a substitution for the East Retfords, the Bassetlaws, of the Church—Will no experience teach you? Will you not learn from your experiments in national calamity? Until you adapt the institutions of the country to the character, habits, and feelings of the people, all your measures must utterly fail. Look back, not to any distant period, not to that long succession of evils which has followed the Church, and which has left such marks of calamity behind—but to your own acts. If you cannot derive instruction from the mistakes of others, be at least forewarned by your own. What has been the result of that part of your new ecclesiastical code in Ireland, which you have already applied? We told you that new distraction—that transfer of odium from the clergy to the Government—that new antipathies and rancours—would flow out of your proceedings. This was the prophecy. How has it been fulfilled? At the last election your anti-Irish legislation produced a burst of anti-English emotion. Then came forth the Attorney General with his new ecclesiastical powers,

and then commenced a scene of litigation unexampled in our public tribunals. Of processes, thousands and tens of thousands were issued for the smallest sums into which our money is divisible; decrees for pence were executed with sabres, the soldiery of England were degraded into Sheriff's-officers, and the Commander of the Forces sunk into a Chief Bailiff for the Church. The shame of the army, the oppression and the indignation of the people, excesses the most scandalous, attended with the effusion of human blood—these were the consequences of your measures. You saw, you felt it, and, pressed by the evidence, which it was impossible for you to resist, from the proceedings into which you had rashly rushed, you were at last compelled, on your own confession, ingloriously to retreat. We were right then; are we wrong now? You are now proceeding to a second experiment, and sustained by the unfortunate realization of our forebodings. Pointing to the past with one hand, and to the future with the other, we tell you, that this Bill will equally prove a failure; and unless you recognise the great principle of appropriation, will be rendered abortive by the repudiation of the Irish people. If you desire to lay the ground work of peace in Ireland, lay the ground-work of future wise ecclesiastical legislation. This preamble is such a measure; adopt it, and it will accomplish as much as a whole code without it. Let it not be said, that this proposition is a mere abstraction. Its fiscal effects may be postponed, but its moral and political results will be immediate. You will lay the groundwork of peace, by creating confidence, and redeeming that debt of honour which every sentiment of justice, and every generous emotion, concur in calling on you to discharge to the Irish people." The hon. Member moved the following Recital, "Whereas the possessions now in the hands of the Irish Church are public property applicable to such purposes as the Legislature shall deem most beneficial to the interests of religion and of the community at large; regard being had to the rights of the persons in whom such possessions are now actually vested."

Mr. *Hume* rose to second what was formerly his own Motion, and he did so with regret that those principles had been so long unattended to by those who were pledged to their maintenance. He regretted, also, that those who, when not in power, wished thus to act, now that they were in office, had not the power to fulfil their wishes. There might be an objection technically to the preamble to a bill which did not contain one clause in conformity with it, and he, therefore, doubted how far the House would be right in affirming a principle which they had abandoned. As the hon. member for Tipperary had appealed to him (Mr. Hume) upon this point, he would say, that every proceeding which had taken place from the day of his motion to the present, had confirmed what he then felt, for he well recollected that the present Lord Chancellor of Ireland, the then Secretary for that country, and the present Secretary for the Colonies, had attacked him as one guilty of highway robbery and spoliation. He had, however, hoped, that in the changes to be looked for when the feelings of the people were aroused, some beneficial alteration would take place; at all events he was sure it would be impossible to tide over the abuses of the Church, and he, therefore, hoped that this Bill would fail, as it was impossible it could do any good. He did not believe that those who were now in office could have changed their opinions; but they were truckling to influence which they ought to spurn, and suffering themselves to be guided by the opinions of those who, when the opportunity arrived, would treat them as they deserved. Backed as the present Ministers had been by the people, it was their business to maintain those principles, the declaration of which had brought them back to office. He regretted to be obliged to speak of the Gentlemen opposite as his duty compelled him. He had not intended to make any observations upon this stage of the Bill; but after it should have passed to enter his protest against it, as having a tendency directly the reverse of that which the noble Lord professed, by adding to the property of the Church that which, according to the statements of the noble Lord and the right hon. Secretary, it had no right to enjoy. The noble Lord had certainly done his best to convert a life interest into a perpetuity, and to add so much to the already overgrown establishment of the Church. If the proposition of his hon. friend were agreed to, it would undoubtedly lessen his objections to the measure. Until the noble Lord chose to try back and show that manly conduct which the House had a right to

expect from him and his colleagues in office, the Ministers would give no satisfaction to the people. From others they had nothing to expect; but certainly those others had been consistent, as they never held out any expectation. He would also say, that if we were to have Whigs in office who were to be governed by Tories, he would rather be governed by the Tories in the first instance. He did not like delegated power, and if the right hon. Gentlemen opposite were afraid of anything elsewhere, he knew well that nothing would pass save what fell in with the opinion of the present opposition; and this being so, the country would be placed in a most unpleasant predicament. He was sure now, that the people were greatly dissatisfied. The noble Lord (Lord Althorp) had said that neither he nor any Member of the Ministry wished to remain in power unless they were backed by the people. But would they be, or were they, backed by the people now? No—nor would they be supported, except by the fear of something worse. Were there no grounds for Ministers to be suspicious when they found that every measure obnoxious to the people was supported by those who wished to turn them out?

Lord *Althorp* said, that the hon. Gentleman (Mr. Shiel) had commenced his speech by quoting the speeches of others. He knew this was a fashionable mode of debate, but he was sure, that those who debated thus ought to take good care that an answer from some of their own displays might not be found for them. He spoke impartially on this point, for the hon. Gentleman could never quote any speech of his (Lord Althorp's); and, at all events, the utmost that could result from such a practice was an injury to the mere party concerned. If the hon. Gentleman quoted a good argument, that would be very well; but a speech quoted was not of value. ["As an authority," *from Mr. Shiel.*] If it were quoted as an authority, it could not be very good after the inconsistency of the speaker was proved. But he denied, that any inconsistency had been proved by the hon. Gentleman, and he denied that any of his hon. friends who had been quoted had changed any one of the principles they started with on this Bill. The hon. Gentleman had referred to the speech which he (Lord Althorp) had made on bringing in the Coercion Bill; but on that occasion he said that his Majesty's Government, in the Bill to be brought in, desired not to pledge themselves to any abstract question, and he said so because it was no secret, that on this abstract question his Majesty's Ministers differed from each other, and that they thought they could nevertheless on this measure go on together. The hon. Gentleman had observed that when he (Lord Althorp) mentioned the principle of the 147th Clause, it was received with great cheering. He did not at all recollect this, but he did recollect that certain parts of the Bill were warmly received. One was the reduction of the number of the Bishops, another was the abolition of the Vestry-cess, and a third was the announcement, that a power of suspension was to be given with regard to livings where duty had not been done for a considerable time; but that Clause 147 was particularly cheered he did not recollect. It was true that the whole plan was received with approbation by the House, and that he had expressed himself gratified at the reception the plan met with. But at present it was said, that clause 147 was the whole Bill, and that the whole principle was in that clause. He never was so surprised as at hearing this at a time when he was unable to attend, and at the importance attached to it, because during the whole discussion on the Bill Gentlemen both on that and the other side had spoken, and he had never heard any of them say, that the Bill would be the worse for leaving it out. The hon. member for Middlesex had expressed his surprise at this; but he (Lord Althorp) would repeat, that he had never considered this as one of the most important clauses of this measure. The hon. Member also said, that if the House was so to conduct itself that both the Government and the House should abandon their opinions because they apprehended collision with the other House, nothing could be more fatal. He fully agreed in that, and he was as prepared as any one in the House to meet the result of any such collision. But if the question were not of the greatest importance, he did not think that any government would be right to bring the two Houses into such a state. It had also been said, by the hon. member for Tipperary, that he had stated that the result of the surplus fund would be a sum of 3,000,000*l.*, and he certainly had said so. In that he was mistaken, but he would ask the hon. Gentleman did he believe that it would produce so much? The amount had greatly diminished, and when the hon. Member said, that Church

property was increased, he must distinctly declare his dissent from that assertion, and his conviction, that the sum to be paid in lieu of Vestry cess would be fully equal to the surplus. The Bill introduced by Government was one which did not bind the House to the principle one way or the other; and then as to the proposition of the hon. and learned Gentleman, even the hon. Member who seconded it did not think it well timed, but he would go further, and say it was very ill timed. To introduce an abstract principle into the preamble of a Bill, which not only was declared not to have such a principle in it, but to be directly opposed to that principle, was surely an odd proceeding; he certainly had never before heard of such a mode. It was bad in any case to assert an abstract principle in a preamble, and if it were wished to have a principle asserted, the better way would be by a simple resolution. Whether this were so or not, he did not think hon. Gentlemen would vote for its insertion here, even although they might fully concur in the principle. He did not himself wish to be understood as being opposed to this principle, but he would oppose the Motion, because the Bill was never intended to affirm that principle, and because their agreeing to put it in the preamble would be a course by no means parliamentary.

Colonel *Davies* had no hesitation in asserting that the conduct of Ministers had lately been anything but consistent with what they professed some weeks ago. If there was anything that was valuable in the Bill, it was that very part of it which had been expunged. If the clause had never been introduced into the Bill, the question never would have been mooted: but, as it had been introduced, and as public attention had been directed to the matter, it ought not to have been withdrawn. There was a great deal of difference between not introducing such a clause, and introducing it only to withdraw it; but it was still worse, when it was remembered under what admonition it was withdrawn—namely, that if it were not withdrawn in that House, it would be thrown out in the other House of Parliament. He was almost inclined to say, that if the principle of the hon. Member's Motion were rejected, and a Motion was afterwards made to throw out the Bill, that he should support that Motion with his vote. Without this recital, the Bill, instead of giving content to the people of Ireland, would only create among them greater discontent than now existed.

Mr. *Ward* thought, that the House ought to adopt the Amendment of the hon. and learned Gentleman, if they wished that Ireland should be a means of strength to this country, instead of being, as she was at this moment, a cause of weakness and anxiety. All the differences of Ireland might be settled, if justice was fairly done between the people and the Church Establishment. He agreed with those who thought that this Motion was rendered necessary by the fact of the clause having been once introduced; but he was willing at the same time to say, on behalf of the Minister, that much of the importance now properly attributed to the clause, was probably owing more to the manner in which it had been taken up by the House, than to any other circumstance. Hon. Members—and he among the rest—had received what they deemed to be an assertion of the just powers of the State in so marked a manner—cheering it so as to draw down on the noble Lord the reproof of the right hon. Baronet opposite—that they had at once leaped to a conclusion, which, perhaps, the Ministers had done their best to avoid, and indeed to disclaim; but which they most readily, and joyfully adopted. They did this the more readily when they observed that Lay Commissioners were to be appointed to administer funds proceeding from the Church. It was not wonderful, then, that the people had taken up their tone, and not being able, like themselves, to receive rapidly new lights upon any particular subject, had not been capable of following them with equal speed in the change that had since occurred. The result was, that the people were now disappointed with the Bill, or would be so, if this clause should now be omitted. If the clause had not been introduced at all, the people might have thought that, in the opinion of Parliament, the time had not arrived when such a principle could be advantageously asserted; but having been introduced, and most cordially received, it was impossible that they could entertain such an opinion. The fact was, that the clause was another instance of that fatality which seemed to attend all the measures that were introduced for the relief of Ireland. There was a good deal of reason in what had been said by Dean Swift about England and Ireland. Dean Swift observed, that in all matters relating to the Government of Ireland, England expected to be addressed in terms,

which, as a boy, when he first met with them in Cowley's poems, he thought an exaggeration, though they were addressed by a lover to his mistress—

"Forbid it, Heaven, my life should be
Weighed with her least conveniency."

But he hoped that a Reformed House of Commons would not desire from Ireland such a romantic attachment towards this country, and that it would deal an equal measure of justice between the two nations. He trusted that the members of that House would not sacrifice the interest of Ireland to the supposed interests of the English Church. He made use of the expression "supposed interest," because he believed that the real interest of the Church of England would be promoted by drawing as strong a line of demarcation as possible between it and the Church of Ireland. The Church in Ireland still required to be supported in splendor, though not one single spiritual advantage was derived from that splendor. The hon. and learned member for the University of Dublin (Mr. Shaw) had, on a former night, spoken of the great increase of Protestantism in Ireland; and, in proof of his assertion, had instanced the erection of 600 new Churches in Ireland. Admitting the hon. Member to be accurate as to the number, let him ask how these new Churches had been built? Was it by voluntary subscriptions, or by the consent of the majority of the population in the different parishes in which they were erected? Quite the reverse: they had been built either by parliamentary grants, or under the operation of the Vestry Act, which enabled five or six Protestants, assembled in vestry, to indulge their architectural caprices without consulting the opinion of the rest of the parishioners. Instead of thinking the erection of these 600 new Churches a blessing to Ireland, he regarded it as among the most prominent causes which had led to the spread of dissatisfaction, and consequently tended to render, not merely ecclesiastical property, but every other species of property, insecure. He knew, that it was often said, that this Church was the National Church. He could not think of any National Church that was not the Church of the nation. He knew of no other test of a National Church than that of its being the Church of the majority of the nation; and wherever there was such a singular perversion as a Church on one side, and a people on the other, the Parliament had an undoubted right to remodel the establishment. If England were still prepared to support the Church on the principle on which it once had supported it—namely, that to allow of no opposition, but insist upon conversion at all risks and hazards—it might be right still to persevere in the old course; but that principle had been abandoned. In 1718, Dean Swift, in writing on the state of Ireland, after the warmth of a contest which had recently taken place, said: "As 'to Popery in general, which, for a thousand 'years past, hath been introducing and 'mutiplying corruptions, both in doctrine 'and discipline, I look upon it to be the 'most absurd system of Christianity pro-'fessed by any nation. But I cannot 'apprehend this kingdom to be in much 'danger from it. The estates of Papists 'are very few, crumbling into small parcels 'and daily diminishing. Their common 'people are sunk in poverty, ignorance, and 'cowardice, and of as little consequence as 'women and children.' And he afterwards said, 'that, as the Popish clergy 'were not to be educated, those then alive 'would have no successors; so that the 'Protestant Ministers would have no great 'matter of difficulty in bringing over to 'the Protestant Church the people who 'now, without leaders, and without a head, 'were little better than hewers of wood 'and drawers of water, incapable of doing 'anything for themselves.' The Catholics, however, had consistently adhered to the religion of their forefathers; they refused to be bought over, and the "hewers of wood and drawers of water" had become a mighty people. Their religious rights we had restored, their civil rights could not long be withheld from a people whose gallantry had been proved in many well-fought fields, and whose claim to a perfect equality of rights with the English he was proud to acknowledge. We could no longer say, that we were the majority, and that we were in possession. We were no longer the majority in Ireland; and if things were allowed to go on in their present state, we should not long have even possession to plead, for in the case of tithes the whole power of the Government had not been able to ensure their collection. He repeated, therefore, that as we no longer professed the principles of Government professed a century back, we must not think of acting on rules of conduct which were consistent enough with those principles, but were quite at variance with our own. Disputes in Ireland were no longer mere matters of religious belief, but of pounds, shillings,

and pence, and must be settled in a way differently from formerly. He should vote for the Amendment; but if it should be rejected, he hoped that he should not be deemed inconsistent if he voted for the passing of the Bill; for he saw in the clauses for the reduction in the number of Bishops, and for the reduction of livings in parishes where there had been no service for the last three years, some approximation to an equality of proportion between the people and the establishment. He should regret to see this Session pass over and leave the Irish Church almost intact, as a memorial of the humility of the first Reformed House of Commons. He trusted, on the contrary, that its establishment would begin to be reduced, and that that reduction would go on, till its amount was commensurate, and no more, with the wants of the people.

Mr. *Peter* said, that he did not rise to reply to the hon. Gentleman, who had just addressed the House. That was wholly unnecessary; for, with all the respect which he entertained for his talents, he could not refrain from saying, that a speech less applicable to its professed purpose—a speech more irrelevant to the subject of debate—he had never heard within the walls of that House. It was to the hon. and learned member for Tipperary, that he chiefly addressed himself. The Amendment proposed by him, he (Mr. Peter) considered as most unnecessary and uncalled for. It could effect no possible good, and might be productive of much mischief. Here was a Bill, which whether considered on principles of policy or justice—which, though attacked by some as going too far, and by others as not going far enough—which, even according to the admission of the hon. member for St. Alban's, was a great boon, a great benefit to Ireland; and should we foolishly throw it into jeopardy—should we unnecessarily endanger its safety — should we hazard its very substance—for a mere shadow? The hon. and learned member for Tipperary, as well as his friend the member for Middlesex, had each referred to a debate of 1825, and to the opinions expressed in it by many Gentlemen on that side of the House. In those opinions he fully concurred. He believed Church property to be national property, and, as such, to be applicable by Parliament to national purposes. But though such were the opinions of many, they were not the opinions of all. Some there might be, both within those walls and elsewhere, who had come to a different conclusion. But why should the question be unnecessarily stirred up between them? Why should an abstract principle be put in issue, when the contest was wholly uncalled for, and when not a single advantage could be gained on either side, by entering into it? By omitting the words, which the hon. and learned member for Tipperary would force into the preamble, we lost nothing—we sacrificed nothing. Though we did not thereby admit, we certainly did not reject or deny, the principle of Church property being national property. We left the question precisely where it stood before, to be taken up and asserted by Parliament, whenever a necessity or occasion should arise for so doing. The hon. members for Tipperary and Middlesex had spoken with levity of contests between the different branches of the Legislature. He (Mr. Peter) could not contemplate such occurrences so lightly. He considered a collision between the two Houses of Parliament as an evil of the most fearful nature —as an evil to be deprecated by all wise and good men, and to be avoided by all just means—by any concession or compromise, short of an abandonment of principle. Should the evil, indeed, come—should the collision actually arise,—the House of Commons, he had no doubt, would do their duty. They would meet the crisis, as became men,—as became the representatives of a free and enlightened people. But *cuncta prius tentanda*—every possible preventive should be first resorted to; and who knew whether, by staving off the collision for a time—whether by continued moderation on their parts, and by returning reason and reflection on the parts of others,—who knew whether the catastrophe might not be altogether averted? An hon. Member had sneered at the words compromise and concession; but he would ask him, what great measure was ever beneficially effected without them? The revolution of 1688 was a compromise; the Catholic Bill was a compromise; even the Reform Act of last year was a compromise! These were all, more or less, compromises; and wise ones, in his opinion, they were,—founded on that favourite maxim of Mr. Fox—that it was better to concede a little to a friend, than to yield up all to an enemy. Were he (Mr. Peter) to be asked for the distinguishing feature between the English and French Revolutions of 1688 and 1789, he should say, that the one was the result of just compromise and mutual concession, whilst the other was the fruit of arrogance

and obstinacy that preferred all hazards and dangers to the slightest modification or supposed change of opinions however impracticable or wrong. As to the surplus of which the hon. Gentleman had spoken, it would be time to decide on the disposal of it, when we should have ascertained its existence. At present there was neither a surplus nor a probability of any. Should one hereafter arise, the Commissioners had only to vest it in the funds, as directed by the 58th clause, there to remain for the further disposal of Parliament. Before he sat down, he could not help adverting to the attacks which had been made by the two hon. Members on his Majesty's Ministers for their conduct towards Ireland. It was not for him to vindicate Ministers. They were fully competent to their own defence. This much, however, he was bound in justice to say, that if ever there was a measure brought forward with pain and reluctance —if ever there was a measure forced, as it were upon an administration by an imperative sense of necessity and public duty—it was that Coercion Act for which they had been so fiercely assailed. But, according to the hon. member for Middlesex, Ministers had inflicted nothing but injury upon Ireland. They had nothing in store, according to him, but pains and penalties, and persecutions for that unhappy country. But what was the sober truth? What had been their real conduct with respect to Ireland? Why, till within the last ten months, it had been such as to extort unqualified approbation even from the hon. and learned member for Dublin (Mr. O'Connell). And what had been their conduct since. To what complaints had they turned a deaf ear? What grievances had they not endeavoured to redress? The Irish complained of their Grand Jury laws. A Bill was immediately brought in to amend them. They complained of the Vestry-cess; it was to be abolished. They complained of abuses in their Church establishment; and that establishment was about to be reformed. The Bill before the House might not contain all that the most sanguine could desire; it might not be the best or most perfect measure that could be devised; but it was as good and as perfect, he believed, as any, which, under existing circumstances, could have been brought forward with any chance or probability of success. Believing all this, he had considered it his duty to vote for the Bill in all its previous stages, nor would he so far abandon it then, as to consent to the Motion which had been made by the hon. and learned member for Tipperary, and which, if carried, would probably lead to the loss of the whole measure.

Sir *Robert Inglis* thought that the speech of the hon. member for St. Alban's (Mr. Ward) might have been introduced with much greater propriety into a discussion on Catholic Emancipation than a debate on the subject now under the consideration of the House. He begged to remind the hon. Member that Church Property in Ireland had a very different foundation from canal and rail-road property. It was established by the treaty of union. The hon. Member had repeated an assertion which had been made for the thousandth and first time in that House, that the Roman Catholic people were obliged to pay for the support of the Irish Church. That he begged for the thousandth and first time to deny. It was the property and not the people of that country which paid for the maintenance of the Church.

Mr. *O'Connell* said, he would not detain the House one moment. He regretted the omission of the 147th Clause, because he thought it contained the only really valuable principle in the Bill. He was, however, bound to admit that the Church-cess was dealt with to the extent he desired. He was surprised to hear the hon. Baronet who spoke last state that the Catholics of Ireland did not contribute to the support of the Church Establishment. Were not Catholics distressed for the payment of tithe? But he supposed that the hon. Baronet meant that the Church was maintained by the landed proprietors. Now, admitting that nineteen-twentieths of the landed property of Ireland was held by Protestants, still there was the remaining twentieth, which belonged to Catholics. The fee-simple of the whole county of Kerry was in the possession of Catholics; and surely the hon. Baronet would not deny, that they were taxed for the support of the Protestant Church? He hoped the time would come when the House of Commons would be prepared to declare—that every man should support his own clergyman, and should not be obliged to contribute to the maintenance of a Church to which he did not belong.

The House divided—Ayes 86; Noes 177—Majority 91.

List of the AYES.

Aglionby, H. A.	Barry, G. S.
Baldwin, Dr.	Bellew, R. M.

Bewes, T.	Lloyd, J. H.
Blake, J.	Lynch, A. H.
Briggs, R.	Macnamara, F.
Brotherton, J.	Macnamara, Major
Buckingham, J. S.	Martin, T. B.
Buller, C.	Mullins, Hon. F. W.
Bulwer, H. L.	Nagle, Sir R.
Chapman, M. L.	O'Callaghan, Hon. C.
Chichester, J. P. B.	O'Connell, D.
Clements, Viscount	O'Connell, J.
Collier, J.	O'Connell, M.
Curteis, E. B.	O'Dwyer, A. C.
Curteis, H. B.	Oliphant, L.
Davies, Col.	Oswald, R.
Divett, E.	Parrot, J.
Dobbin, L.	Pease, J.
Dundas, Captain	Perrin, L.
Evans, Col.	Pringle, R.
Ewart, W.	Robinson, G. R.
Fellowes, Hon. N.	Roche, W.
Finn, W. F.	Roe, J.
Fitzsimon, C.	Ruthven, E.
Fryer, R.	Scholefield, J.
Gaskell, D.	Stawell, Lieut-Col.
Goring, H. D.	Sullivan, R.
Grattan, J.	Talbot, J.
Grote, G.	Tayleur, W.
Guest, J. J.	Trelawney, W. S.
Guise, Sir B. W.	Tynte, C. J. K.
Harland, W. C.	Wallace, R.
Harvey, D. W.	Walker, C. A.
Hudson, T.	Walter, J.
Humphery, J.	Warburton, H.
Hutt, W.	Ward, H. G.
James, W.	White, S.
Jephson, G.	Williams, Col.
Jervis, J.	Wilks, J.
Kennedy, J.	Wood, Alderman
Key, Sir J.	Yelverton, Hn. W. H.
Langton, Col.	Tellers.
Lambton, H.	Sheil, R. L.
Lister, E. C.	Hume, J.

Mr. *O'Connell* proposed an Amendment to the 50th Clause. He would remind the House that this Bill, as originally proposed by the noble Lord, contained a system of taxation upon all the present incumbents of ecclesiastical benefices in Ireland. That system was objected to as unreasonable, and in consequence the Bill was altered so as to make the taxation commence immediately after the decease of the present holders. This alteration applied also to the Bishops and their revenues, so that there was not a single person possessed of a benefice in Ireland who would suffer any diminution of his income during his incumbency. This rule was universal, with one exception, and that exception was the present Bishop of Derry, and his reason for now proposing an Amendment, was to call the attention of the House to the unseemliness of making that right reverend Prelate such an exception. In common with his Catholic brethren, he owed a debt of gratitude to that right reverend Prelate; for had it not been for the countenance of that right reverend personage, he and others of his persuasion would not have been entitled to a seat in that House. He knew of no other Irish clergyman, who had taken the part which that right reverend Prelate had taken on behalf of his Catholic fellow-countrymen, and therefore it was that he came thus publicly forward, and called upon the House to decide, whether the Bishop of Derry should be the only exception to the rule established in this Bill. The only reason which could be urged for this exception was, that the Bishop of Derry had accepted his bishopric knowing that the Government had this arrangement in view. But this arrangement was originally intended to apply to every Bishop and incumbent in Ireland; and as it had been altered with respect to them, he saw no reason why it should remain unaltered with regard to the Bishop of Derry, on whom, by remaining unaltered, it placed an unseemly mark of degradation. Connected as the right reverend Prelate was with certain leading members of the Administration, it was possible that Government might have felt some delicacy in placing him in the same situation as the rest of his reverend brethren; but he thought that they ought to discard such false delicacy, and not be afraid of rewarding a friend when his merits deserved reward, merely because it might be displeasing to an enemy. He should therefore propose to leave out of the Clause the words "The now Bishop of Derry," and to alter it so as to make the annual payment of 4,160*l.* out of the revenues of that see to the Commissioners under the Act fall only upon the successors of the present Bishop.

Mr. *O'Dwyer* seconded the Amendment, and complimented the Bishop of Derry for the patience with which he had long suffered a sort of political proscription on account of his supporting the claims of the Catholics.

Mr. Secretary *Stanley* was not impressed with the propriety of acceding to this Motion by the arguments of the hon. and learned Gentleman opposite. If the House were legislating for the indulgence of political principle, or for the sake of gratifying private feelings of regard, there

was no man from whom either Ministers as a body, or he himself as a private individual, would more regret to take away part of his income than from the Bishop of Derry; for there was no individual in whose hands a large income could be better placed for the benefit of the Church. The hon. and learned member for Dublin might think it right to express his gratitude to the right reverend Prelate for the part which he had taken upon the great question of Catholic Emancipation. He rejoiced that the right reverend Prelate had taken that part; but his payment for it must be found in the good feeling which was beginning to prevail between Catholic and Protestant, and not in an increased revenue of 4,000*l.* a-year to him as Bishop of Derry. The right reverend Prelate did not accept his see under an engagement that his votes in favour of Catholic Emancipation should meet with such a munificent reward, but under an engagement that when Parliament dealt with the revenues of his see, his vested interests in them should not stand in the way of Reform. In consequence of the alteration which had been made in the Bill, the Government had not made that reduction in the revenues of the see of Derry which they had originally intended. Instead of reducing it 6,000*l.* a-year, they had only reduced it 4,000*l.* The hon. and learned Gentleman was mistaken in saying that the case of the Bishop of Derry was a solitary exception. The same principle had been applied to the deaneries of Down and Raphoe, and it was only justice to Dr. Plunkett, the Dean of Down, to state, that, though he did not accept his deanery under the same engagement which the Bishop of Derry had contracted on receiving his bishopric, he had stated his readiness not to allow his interest to stand in the way of ecclesiastical Reform, when he heard that the ecclesiastical Commissioners had recommended that a reduction should be made in the emoluments of his deanery.

Sir *Robert Peel* took the same view of this question as the right hon. Secretary for the Colonies. He should, however, be extremely sorry, if, in so doing, he should be supposed to mean anything derogatory from the high character of the Bishop of Derry. As that right reverend Prelate had received his first appointment to a Bishopric when he (Sir R. Peel) was Secretary of State, it was clear, that he could have but one opinion as to his merits. He could not, however, consent to the principle laid down by the hon. and learned Gentleman in his speech—for, said he, "Here is a Bishop who voted uniformly for Catholic emancipation, and so I will give him, as a reward, 4,000*l.* a-year." Undoubtedly the right reverend Prelates who took an opposite view of that question acted on honest principles, and the House ought not to give so munificent a reward as 4,000*l.* a-year to one of their body, because he was distinguished by his uniform advocacy of liberal principles. But, on that ground, the Bishop of Derry could not and would not accept this grant. "This fatal deed," said Sir R. Peel, holding up a parchment in his hand—"this fatal deed disqualifies him. Is the hon. and learned Gentleman aware that the Bishop of Derry once signed a petition decidedly hostile to the claims of the Roman Catholics for emancipation?" The right hon. Gentleman read an extract from a violent petition against the Catholic claims presented to Parliament in 1826, to which one of the first names attached was that of "Richard Ponsonby, Dean of St. Patrick." The right hon Secretary had destroyed all the arguments of the hon. and learned Gentlemen but one, and that solitary argument he had, he believed, now demolished.

Mr. *O'Connell* observed, that what had just fallen from the right hon. Baronet, was neither candour nor the affectation of candour. The Bishop of Derry had certainly placed his signature to that petition, but the right hon. Baronet had forgotten to tell the House the disgraceful manner in which his signature to it was obtained. He had also forgotten to tell the House, that, as soon as that right reverend Prelate had discovered that his signature was attached to it, he had published in the newspapers a letter explaining the circumstances. He said, that he had, for some time previously, been labouring under a typhus fever; that, as he was recovering from it, a petition was brought to him as he was lying in bed in the dark, for he was then too ill to bear the light; that he was told that it was only a petition for the protection of the rights of the Church, and that it had been signed by Dr. Magee, the then Archbishop of Dublin; and that he had signed it under a total ignorance of the illiberal sentiments which it contained, and which he took that opportunity of totally disclaiming. Under these circumstances, he thought that those who had made this use of a petition to which Dr. Ponsonby's name was surreptitiously ob-

tained, would make but little way in proving that he had not been the uniform advocate of Catholic emancipation.

Sir *Robert Peel* thought, that before the hon. and learned Gentleman had made this attack upon him, the hon. and learned Gentleman should have had some grounds for supposing that he was aware of the existence of a letter which had appeared so many years ago in the newspapers. If he had been aware of the circumstances contained in that letter, he should certainly not have alluded to Dr. Ponsonby's name being attached to that petition; but he declared, upon his honour as a gentleman, that up to that moment he had not been at all aware of them. The petition had not been brought to him till that evening; and the hon. and learned Gentleman, who knew of the existence of that petition, and of all the circumstances connected with it, ought, in speaking of the uniform advocacy which the Bishop of Derry had given to liberal principles, to have explained the manner in which the right reverend Prelate had been betrayed into this seeming inconsistency.

Mr. *O'Connell* wished to know whether, after the statement which the House had just heard, any man could doubt, that the Bishop of Derry had been the uniform advocate of Catholic emancipation? He also wished to know who the person was who had brought the right hon. Baronet that petition. He thought that the right hon. Baronet ought to have been more cautious in speaking as to the contents of a petition which had been raked up out of the oblivion in which it had slumbered for so many years.

Sir *Robert Inglis* was prepared to support the Amendment, without reference to the political principles of the right reverend Prelate for whom the hon. and learned member for Dublin had been pleading. He would not be a party to diminishing the income of a single clergyman, much less to leaving a right reverend Prelate a solitary exception to the rule applied to all other persons of his rank and importance in the Church.

Mr. *Finn* opposed the proposition of his hon. and learned friend, which he thought a most extraordinary one, coming from Church reformers. If there was any great debt of gratitude due from the Catholics to the right reverend Prelate, they ought to pay it out of their own purses. He would reduce the whole of the incomes, but he would make no exception of this kind on the ground stated.

The Motion negatived.

On the Question, that the Bill do pass,

Mr. *Lefroy* rose, and some manifestation of impatience having been exhibited, the hon. and learned Member said, that he trusted when hon. Members considered the length of time that had been occupied—not in discussing the provisions of the Bill—but in endeavours to carry Amendments much beyond the provisions of the Bill—assailing the very foundation of the Established Church—they would not consider it unreasonable that a person standing in the relation that he did to the Church, should be indulged with a hearing, while he stated to the House his reasons why the Bill should not now pass. If hon. Members were prepared to say, that without any discussion whatever—if they were prepared to say, that without any regard to the consistency of the votes which the House had hitherto come to, no matter whether the Bill were at variance with the principles on which the House had acted at an early stage of it—hon. Members were prepared to pass it at all hazards, it would of course be vain for him to address them upon the subject. But on this point he did feel anxious to address them, and to this chiefly he meant to confine himself; and he trusted that the House, in fairness and in justice, would hear the observations which he had to make. The House had decided that Church property in the hands of the present possessors was not to be interfered with. Now, one of his main objections to the Bill was, that it did essentially interfere with Church property—not merely with respect to the property of the Church as a corporation, but it went further with respect to the Bishops, and interfered most unjustly with the enjoyment and ownership of the present possessors. The interest in the fee-simple of the property of the Bishops' estates was transferred by the Bill from the present possessors. The transfer of the interest in the perpetuity was not to take place on the demise of the present Bishops, or merely as to the suppressed sees, but was to take effect immediately from the passing of the Act; and as to all the present Bishops, this was manifestly unjust, and directly at variance with the principle which had obtained the sanction of the House, that Church property, in the hands of the present possessors, was not to be interfered with. At present the Bishop was entitled to deal with his property as he pleased. He had a right to say to the tenant whether he would

renew with him or not; and if so, what rent and fine he demanded. He had a right now, like any other owner, to say: "I will have my land at the expiration of the existing contract—or I will have what I think reasonable for it." No tenant can now say: "I'll keep your land, and another shall be the judge what I am to pay for it." These are the rights and incidents of property, and of these the present Bill went to deprive every Bishop at once. He would put it to hon. Members if they had not made up their minds to the spoliation of property in general, with what consistency and justice could they consent to violate it in this respect? The Bill, as it stood, would also alter the condition of every Bishop in Ireland, in another very essential respect. At present the control over the renewal of the lease gave perfect security for the punctual payment of the rent—he was in the habit of receiving his rent at the same time that he received the fine; but the present Bill made the Bishop a rent-charger, a mere pensioner for an annuity on his own estate. He had now only to do with the immediate tenant, a respectable class of men; but should the Bill pass, the Bishop would be driven to a distress for his rent, or to an ejectment—he would have to seek his remedy against the cottier tenant; and to those who knew anything of the recent history of Ireland it must be unnecessary to say, that if predial agitation should be again resorted to, and the Bishop be made obnoxious to the peasantry, he stood but little chance of receiving even a portion of his income. There was another particular in which the condition of the Bishop was altered by the Bill, to which he strongly objected. The amount of the rent he was to receive, was liable to fluctuation every seven years. If the price of corn should fluctuate, the tenant might call for a new valuation, and if he should not be satisfied with it, he had the power of appealing to the Court of Chancery, and thus involving the Bishop in interminable litigation, and during this scene of septennial Chancery suits, the rent of course must be suspended. He had another most serious objection to the Bill—he meant the provision for a reduction in the number of Bishops. This he considered a violation of the fundamental constitution of the Church—an alteration as gratuitous as it was unnecessary. It had not even the tyrant's plea. The necessity for the reduction of the number of Bishops was to raise a fund to meet the amount of vestry cess—but the sum required could be obtained without thus violating the fundamental constitution of the Church. It was not necessary that the number of Bishops should be reduced—they might be all permitted to remain, and by effecting a reduction in their incomes, in this way, the sum required could be made up. This had been done as to Derry and Armagh—the sees were to continue—the property to remain vested in the Bishops, but they were to pay annually a certain sum to the Commissioners. By the same process, without this outrage on the Church, right provision might have been made for the only plausible object of the measure. Another ground, on which the Bill appeared highly objectionable to him, was the provision for suspending the appointment of clergymen to those parishes in which divine service had not been performed for the last three years. This clause was not made to depend on there being no Protestant parishioners—it presumed there might be such—it affected to provide for the occasional duties by a neighbouring clergyman. It did not require the Protestant inhabitants to build a church, or suffer the penalty—but it inflicted the penalty, although a church might be built within the present year, and thus prevented the possibility of relieving themselves from that loss by the building of a church. The Government had refused to admit a clause, obliging the Commissioners to appropriate the revenues of the parish, during the suspension, to the building of a church, or any other object, for the promotion of the Protestant religion in these parishes; and, therefore, it did appear to him, that the Government were treating the Established Church as though it were a nuisance, to which they were determined to put an end. If reciprocal justice had been dealt out with respect to the other religions—if the Bill directed, that no dissenting meeting-house or Roman Catholic chapel should be built in a parish where for three years before there had been none—he could have understood it; but to prevent a Protestant rector from continuing amongst his parishioners, and to divert the funds to other than the purposes of the parish from which they were derived—these provisions of the Bill appeared to him as directly levelled at the Established Church, with a view to its ultimate destruction. The hon. and gallant Member on his left (Colonel Davies), and the hon. member for St. Alban's (Mr. Ward), had both observed, that it was necessary for the

peace of Ireland to divert the Church property from the purposes to which it was at present applied. Were these hon. Members so ignorant as not to know anything of the Protestant population or the Protestant property in Ireland? Did they think that the Protestant proprietors of Ireland would consent to the spoliation of the property of their Church, and tamely submit to the diversion of it to other purposes? Would no discontent be excited on their part, who had concurred in the measure of the Union to obtain security for their religion and their Church? The same hon. Members had declared, that the religion of the majority ought to be the established religion. If that doctrine were true as to the Church, why not as to the State? If the opinions of a mere numerical majority, without regard to intelligence or property, were to decide the government of the Church, it would soon become applicable to the government of the State, and we might look for a pure democracy. Having had an opportunity of delivering his sentiments at large upon the introduction of the Bill, he should not now trespass further upon the attention of the House than to state that, in his serious judgment, it was not merely a question whether we should have an Established Church in Ireland—but whether we should have one in England. If the vestry cess was to be conceded in Ireland, why should not Church rates be conceded to the Dissenters in England—and would the Church property in England be adequate to pay it and maintain her clergy? He would warn those hon. Members who had not yet made up their minds to the overthrow of the Establishment, how they gave their support to a Bill founded on such principles. For his own part he considered, that the best interests of the country were bound up with the maintenance of true religion, and he looked on the Established Church as the best means of supporting that religion; and, as the Bill before the House was calculated to subvert both, it should meet with his decided opposition to the last.

Colonel *Hanmer* said, he should not be doing justice to the sentiments of that respectable constituency who had sent him to that House, nor to his own, if he did content himself with giving a silent vote of dissent to the measure under the consideration of the House. The existing interests of the Irish clergy were, in his opinion, as much entitled to the protection of the Legislature as any other class of his Majesty's subjects, and they had as good a right to expect the entire and secure enjoyment of their possessions (free from that exclusive taxation now sought to be imposed upon them) as any other persons had to the enjoyment of their possessions. They were held by a tenure as valid, by a title that ought to be as secure and inviolable, as that of any estates held by fee simple, or by inheritance. It had always appeared to him to be nothing more than fair, just, and reasonable, that whatever changes in the Irish Church Establishment the excesses of turbulent times might have rendered necessary, should, in the first instance (at least), be submitted to the arrangement of the friends, members, and ministers, of that Establishment itself. Those who were best acquainted with its institutions were surely the best qualified to remove any causes of reproach or occasions of discord in the collection of its revenues, that might exist in the system of its temporalities; but, should this proposed measure be passed into a law, would it not be said, that the cause of agitation and of Whitefootism had prevailed—that the restless spirit of innovation now abroad had trampled upon the ancient and sacred institutions of Ireland? There had been no necessity shown for this sweeping and destructive measure; and the expediency of the reduction, and the swamping of ten Irish bishoprics, were not borne out by any evidence now in possession of the House. He entirely concurred in the sentiments and observations so ably made by hon. Members near him, that this measure was contrary to the honest *bonâ fide* acceptation of the Coronation Oath, however it might be sought to reconcile it by legal sophistry, and that it was at decided variance with the fifth article of the Legislative Union. Its consequences were likely to be most mischievous, as opposed to those principles of equitable legislation which afforded the surest safeguard to our national welfare, and it would be found most pernicious in its consequences, as striking at the root of the security of every description of property. With these sentiments, however unimportant the opposition of so humble a Member as himself might be considered, should he hesitate to express his decided disapprobation of this measure, he should be neglecting that duty which he owed to his constituents, to himself, to his Church, and to his country.

Mr. *William Gladstone* did not wish to shelter himself, on this occasion, under a

silent vote. He was prepared to defend the Irish Church, and if it had abuses, which he did not now deny, those abuses were to be ascribed to the ancestors and predecessors of those who now surrounded him. He admitted, that the Irish Church had slumbered. [*Hear, hear.*] He asked those who cheered him, whether it was the only church which had slumbered? Had not many of the other Protestant churches slumbered since the Reformation? It was popular to declaim against the Irish Church, because of its affluence; but he denied, that the energy or the usefulness of a church was necessarily proportioned to its poverty. The connexion between successful zeal and poverty was not indissoluble. He would beg of those who seemed to think that primitive apostolic poverty was necessary to stimulate the zeal and activity of a church, to look at what took place in the valley of the Vaudois. The people there maintained the pure principles for which their ancestors had fought and bled; but was it found that their activity as a church was in proportion to their want of worldly means? No: it had been greatly supported by money from this country. But how did it act?—it acted solely on the defensive, and never sought to make an impression on the principles of its surrounding Catholic neighbours. He would admit, that the Established Church of Ireland had long slumbered; but he would contend, that since the Union it had done all that human power could do. The question, however, was, not what it had done, but was it capable of being fitted for action? He contended that, in a social point of view, it was no slight advantage to have scattered over that country a number of men who were gentlemen by education, and, more especially, who were Christians by profession. The existence of such a body of men in that country was also of no slight importance, as affording a connecting link between it and England. But he did not defend it on those grounds alone, nor was it on those grounds that he opposed the present Bill. He opposed it because he thought it would tend to desecrate the Established Church, and the desecration of a church must be productive of the most serious injury to a country. He thought it was of the utmost advantage to a country to have a body capable of spreading and extending the Protestant doctrines; and, without meaning any offence to his Catholic fellow-subjects, he could not but think that it would be productive of great benefit, in a national point of view, to have the means of expounding, defending, and maintaining those doctrines in an active manner. All he asked was, that such fair opportunity should be given, and then God defend the right. He feared that the probable effect of the Bill would be, to place the Church on an untenable foundation. He was unwilling to see the number of Irish Bishops reduced, because he believed that, in the course of time, their duties would very materially increase, and, when that was the case, it would be a difficult matter to restore those whom they were now about to destroy. He did not pretend to have formed any opinion of his own upon the subject of the vestry cess; but, looking to the opinions of those who were well informed on the subject, he was willing to believe, that its abolition would be the means of extirpating a great source of heart-burning and irritation amongst the Irish people, and, for that reason, he considered it to be a wise proceeding. He had, however, always looked upon it to be a principle well established, that as long as a church was national, the nation ought to be taxed to support it; and, if the Government meant to maintain the Protestant Church in Ireland, they ought to enforce this maxim; but it was not the proper way to establish or to maintain the Church to proceed by laying further burthens on the body of the clergy, who, God knows, were already not overburthened with money—as was done by this measure. He had little doubt the Government would carry the Bill by a large majority, and, if they did, he could only hope that it would produce the effects which they had ascribed to it—namely, of securing and propping up the Irish Protestant Church.

Colonel *Evans* observed, that the only reason assigned for withdrawing the 147th Clause was, an apprehension of a collision with the Lords—a fear, however, which did not seem to actuate the House or Ministers a few nights ago in the affair of Portugal. The population connected with the Church in Ireland was 500,000; the revenue of the Church amounted to at least 1,000,000*l.* He objected to this sum as altogether disproportionate to the numbers within the pale of the Church, and could not approve of a measure which went to uphold such an enormous establishment.

Mr. *Hume* declared that for the reason assigned by some hon. Members for supporting the Bill—namely, that it was cal-

culated to strengthen, and ultimately extend, the Established Church in Ireland, he should vote against it.

Mr. *O'Connell* was almost at a loss to know whether he should vote in favour of the Bill or against it. The only feature of the measure of which he approved consisted in its abolition of vestry cess; but the main principle of the bill had been violated by the abandonment of the 147th clause. He could not reconcile himself to support the Bill after the abandonment of its leading principle. The reduction of the Bishops was a gratuitous insult to the Church, and did not benefit the Roman Catholic population. What the Catholics wanted was, relief from the burthens that oppressed them, but without damage, insult, or injury to the Protestant Church. Thinking that the Bill would not afford the necessary relief, he should vote against it.

Mr. Secretary *Stanley* said, that when it was considered that the hon. and learned member for Dublin was daily in the habit of taunting Ministers with never undertaking any measure for the relief of the Irish people, it did appear a little inconsistent with the hon. Gentleman's doctrines and taunts that he should be the man, when a bill which tended materially to relieve his countrymen, was proposed on the responsibility of Government—that the hon. and learned Member should be the man to stand forward and say; "the Roman Catholics of Ireland shall continue to pay vestry-cess. I will not allow them to escape from the burthen of contributions to a Church to which they do not belong. I shall vote against the Bill." The hon. and learned Gentleman said, that the main principle of the Bill had been violated, and that he, therefore, felt it his duty to oppose the measure as it now stood. He (Mr. Stanley) denied that there had been any such violation. Every member of the Government who spoke upon the subject, had stated from the outset that a conversion of Church property to other than Church purposes formed no part of the Bill; they neither affirmed nor denied the abstract proposition, but they over and over again, declared, that it formed no part of the principle of the measure; therefore, he could not hear the hon. Gentleman taunt Ministers with abandoning that which they had never brought forward. The hon. and learned Gentleman said, that there was nothing valuable in the Bill except its abolition of vestry-cess; and in his great tenderness towards the Established Church, he thought it a gratuitous insult to reduce the number of Bishops, and apply the surplus that would remain, after relieving the Roman Catholics from the payment of vestry-cess, to the augmentation of poor livings, the building of glebe-houses, and other Ecclesiastical purposes. He asked the hon. and learned Member, on what principle he voted against the Bill, unless it were with a view to encourage persons in another place to throw it out, partly on the ground of the large minority opposed to it in the Commons? He (Mr. Stanley) was informed that the hon. and learned Gentleman had avowed that intention; and he ventured to caution hon. Gentlemen, who might object to parts of the Bill, to consider maturely how, with their views, which he knew were not by any means directed towards a collision with the Lords, or the production of confusion in the country (whatever might be the views of others)—to consider seriously how they could act in concert with their new allies—to pause before they were caught in the trap, which was so dexterously laid for them by the hon. and learned Gentleman—and to reject in time, an association and alliance of so extraordinary a nature, and which did not reflect great credit, at least upon one of the parties.

Mr. *O'Connell* believed, that there was but one man in the House, who could have made the assertion which had been uttered by the right hon. Secretary for the Colonies. The right hon. Gentleman had said, that somebody had informed him, that he (Mr. O'Connell) had avowed, that his object in voting against the Bill was, to have it thrown out in the House of Lords. He did not believe that any person had told the right hon. Gentleman so. He had, certainly, no wish to commit a breach of order; perhaps he ought to have said, that nobody could have told the right hon. Gentleman so with truth. He was convinced, if his vote could have any weight whatever in another place, that the fact of his voting against the measure, would rather operate as a reason why it should not be thrown out in the Lords.

Mr. *Harvey* complained, that the principle of the measure had been entirely lost sight of in the midst of personalities. It was evident, he thought, that the statement of the right hon. Secretary for the Colonies, as to Mr. O'Connell's avowal of a particular motive for voting against the measure, could not be correct, after the hon. and learned Gentleman's disclaimer of any such avowal. He (Mr. Harvey) found fault with the measure, because it did not ade-

quately meet the general wish for Church Reform. Besides, the Bill now about to pass, was not the Bill originally proposed by Government, which met with the approbation of that House. Who could forget the delight experienced at the statement of the noble Lord, that the surplus Church revenue was to be placed at the disposal of Parliament? The noble Lord had carried every financial reformer with him, by informing them that the amount of this disposable surplus would be 3,000,000*l.* But now the House was told that it was a mere fighting about words, to complain of the withdrawal of the 147th Clause, which, they were informed, was of no financial value whatever, there being no surplus. If this measure contained the principle of what Ministers denominated Church Reform in Ireland, what would be their English Church Reform? If such an establishment were to be upheld in Ireland, there must be a great extension, not any reduction, of the English establishment, in order to preserve a due proportion between the congregation and the Church in either country. If it were just, that between 1,000,000*l.* and 2,000,000*l.* per annum should be given to support the Church of a tenth of the people in Ireland, any plan of English Church Reform, would require for the Church in England an increase of means. There was in this reform, destruction to the very essence of the Protestant Church. He could understand the Catholic doctrine, which, pretending to a divine origin, claimed a right to levy contributions for its support; but the Protestant Church allowed the right of private judgment, and left it to the inhabitants of a country, to establish the Church most agreeable to them. By dividing the Church of Ireland from the Church of England, the advantage of the statement that, upon the whole, the Protestants formed a majority, and had a right to establish their own Church was lost. Dealing with the Irish Church alone, they must look only to the Irish people; and seven-eighths of them were directly adverse to the Protestant Church. The Legislature was forcing upon them an institution, from which they dissented—appropriating to it, alone, a revenue which ought to be applied to the support of the religion of the whole people. Such a measure would not pacify the people of Ireland, nor produce those results which were contemplated by the House, when the Bill was suggested as an equivalent for the Coercion Bill? Was it supposed that the attempt to conciliate the Irish landlords by a paltry bribe of 60,000*l.* would be successful? It was as unworthy of their acceptance; as the offer was of the dignity of the Government. He had been accustomed to consider the want of a Church Reform in Ireland, as the greatest evil of that country; and was the grievance to be removed by being reduced by the paltry amount of 60,000*l.*? Small as the sum was, it was yet something given to the Irish landlord, and something taken from the Irish Church. Spoliation did not consist in taking a large quantity, but in any thing being unjustly taken; and, taking 60,000*l.* per annum from the Church was as much spoliation as taking 600,000*l.* The magnificence of a larger sum might have induced defenders, even if acknowledged as spoliation; but 60,000*l.* was contemptible in itself, and must, when more was expected, excite nothing but irritation. The right hon. Gentleman opposite was surprised at the indifference with which this concession was viewed; but, as regarded the expectations of the people of this country, upon the subject of Church Reform, it was impossible too strongly to express the disappointment and contempt with which they would receive the right hon. Gentleman's concession. But then it was asked; "Have we not strangled ten Bishops, is not that something?" True, they had strangled ten Bishops; but it had been upon no principle. No arguments had been advanced—no reasons had been stated—which would not quite as well have justified leaving them all, or striking off a score. The Government announced that it thought this reduction the proper one; and having the sanction of their sagacity, that man was pronounced a driveller who ventured to dissent from the plan. He maintained, that to support the Ecclesiastical Establishment in Ireland, it must be supported in all its integrity; and that to spread Protestantism, and reconcile the Catholics to the Protestant principles, the lights and pillars of the Church must not be diminished. It was said, "Why not take this partial measure?" But when were they to expect more? This was the best time for a thorough Church Reform that could be anticipated. When they were taking the bit-by-bit measures of reform, with which the Tories endeavoured to delude the country, they were told to wait till they had obtained a thorough Parliamentary Reform, and that then they might expect reform in other matters. Now, however, they were told to delight in a bit-by-bit

Church Reform. The noble Lord, the Paymaster of the Forces, said, "that we could not afford to have a revolution once a-year;" but unless Parliament gave an Ecclesiastical Reform, there must be a revolution for the purpose of obtaining it. Many of the majority who supported his Majesty's Ministers would say, if questioned privately, that they voted for the Bill, because they saw a fearful opposition in their front, which made it necessary to take gradual measures—but, that, by-and-by, the Government would do more. But when was it to do more? When was it to be stronger than at present? Did Ministers wish the House to suppose that they were in their infancy—that they had not arrived at the maturity of their understanding? For his part, he saw nothing which could lead the House to hope that they would be more vigorous in another Session. This was their plan—this was all they could do; and, it was clear, that they could never do more, whilst they stood in awe of another place. But it was said, "Try the Bill—to see whether the Commissioners, with the million of money placed at their disposal, will not make Churches spring up where there is no Protestant population. He believed they would, for all they wanted was, a church, a parson, and a clerk. A Protestant congregation, when they had those three requisites for a Protestant incumbency was not requisite. They began at the wrong end; for they made a church before they found a congregation. To maintain the Church in its purity, it must be severed from the State. It must not be a political, but a religious Church. But a great fallacy ran through all the reasoning of those who called themselves supporters of the Church. They confounded the Church with its temporalities; but he asserted, that if all the revenues of the Church were to-morrow poured into the Exchequer, the Church would remain. Never was there a greater delusion than to imagine that the Church and State were inseparable companions. According to that principle it was the recognition of the State which made religion true, and whether it were Mahommedanism or Hindooism, or Buddism, the connexion with the State according to that doctrine made it the true religion. The fact, however, was, that they always marred each other, their union was far from being mutually profitable. Religion converted the State into a tyranny and the State converted whatever system of religion it espoused into a corrupt mass of errors. No friends of the pure and simple principles of Christianity could approve of a political alliance between Church and State. If they wished the doctrines of Protestantism to flourish—if they desired the Church to rest upon the basis of pure practice and wholesome doctrine, let them drive the Bishops from the House of Lords, and all the wicked out of high places. He hoped that the period was not far distant when an establishment more consistent with pure Christianity would be founded in Ireland.

Lord *Althorp* was somewhat surprised at hearing the sentiments of the hon. Gentleman; for, if he did not mistake, the hon. Gentleman had, on a former occasion, supported the Bill, and he did not conceive how that could have been consistently with the opinions the hon. Gentleman at present avowed. He could not comprehend how the hon. Gentleman could ever have supported the Bill, if he had entertained his present sentiments. To night the hon. Gentleman had spoken out, and fairly said, that he did not want a Church establishment at all. With such sentiments it was impossible for that or any other Bill proposed by the Ministers to satisfy the Gentleman. The hon. Gentleman would certainly, if he could, destroy all Church Establishments. It was most extraordinary, if the hon. Gentleman had ever been favourable to the Bill, that the omission of the 147th clause from it should have wrought such a change in the hon. Gentleman's opinions. He did not suppose that the omission of the clause could have made any change in the opinion of the hon. Gentleman. He saw, that on this occasion, the Government was to be opposed by the Gentlemen of both extremes—by those who thought that the Parliament had no right to meddle with the Church at all, and those who thought that the present measure did not go far enough. The Government was now to be opposed both by those who, like the hon. Baronet, the member for Oxford, objected to all Reform of the Church, and those who like the hon. Gentleman, desired to push that Reform a great deal further than the Ministers. The parties who were entirely opposed to each other would unite to vote against this Bill. That was, he thought, not a bad compliment to the course the Ministers had adopted. They had displeased both parties, which showed that the measure was neither imprudent nor unwise, and he hoped that the majority of the House would support the Bill.

Mr. *Fitzgerald* said, that being the representative of an agricultural county, he felt it due to his constituents to vote for this measure.

The House divided—Ayes 274; Noes 94: Majority 180.

Bill passed.

List of the NOES.

Apsley, Lord	Irton, S.
Arbuthnot, Hon. G.	Jermyn, Lord
Ashley, Lord	Johnstone, A.
Ashley, hon. H.	Kerrison, Sir E.
Baldwin, Dr.	Lefroy, A.
Baring, A.	Lewis, Frankland
Baring, H.	Lister, Ellis C.
Bell, M.	Lowther, hon. H.
Blackstone, W. S.	Lygon, hon. Colonel
Bruce, Lord E.	Manners, Lord R.
Bruce, Cummin	Maxwell, J. W.
Butler, Pierce	Meynell, Captain
Calcraft, J. H.	Miller, W. H.
Castlereagh, Lord	Nicholl, J.
Chandos, Marquess of	Norreys, Lord
Chaplin, T.	O'Connell, Daniel
Cole, hon. A.	O'Connell, Morgan
Conolly, Colonel	O'Connell, John
Cornish, J.	Parrott, J.
Corry, hon. H.	Palmer, R.
Daly, J.	Peel, Sir R.
Dare, hon. H.	Perceval, Colonel
Davies, Colonel	Plumptre, J. P.
Dick, Q.	Pollock, F.
Estcourt, T. G.	Powell, Colonel
Evans, Colonel	Reid, Sir J.
Fancourt, Major	Ross, C.
Finch, E.	Ruthven, E.
Foley, E.	Saunderson, D.
Fremantle, Sir T.	Scarlett, Sir J.
Gillon, W.	Somerset, Lord G.
Gladstone, T.	Stanley, E.
Gladstone, W. E.	Stormont, Lord
Gordon, hon. W.	Stuart, C.
Grimston, Lord	Tennyson, rt. hon. C.
Halcombe, J.	Trelawney, J. S.
Halford, H.	Trevor, hon. Rice
Hanmer, Colonel	Tullamore, Lord
Hardinge, Sir H.	Tyrell, Sir John
Harvey, D. W.	Wall, C. B.
Hay, Sir John	Wallace, R.
Hayes, Sir E.	Welby, G. E.
Henniker, Lord	Williams, T. P.
Herbert, hon. P.	Wynn, Sir W.
Herries, rt. hon. J. C.	Wynn, Rt. hon. C.
Hope, H. T.	
Hotham, Lord	TELLERS.
Hume, J.	Lefroy, Mr.
Hurst, R.	Inglis, Sir R.

ROYAL BURGHS (SCOTLAND).] On the Motion of the Lord Advocate the Royal Burghs Scotland Bill was read a third time,

Mr. *Gillon* could not resist the last opportunity which was afforded him of making an improvement in the Bill consonant to the Motions he had previously made, and to the opinions he had always professed. He would, in that the last stage, move, that instead of the words "ten pounds," the words, "five pounds and upwards" should be inserted. A strong feeling existed on the subject in Scotland, and he saw no reason why all the people below 10*l.* householders should now be disfranchised.

Mr. Hume seconded the Amendment.

The *Lord Advocate* objected to the proposed alteration, on the ground that it would render a new system of registration necessary. It was totally inconsistent with the present system. The principle of the Motion had been discussed over and over again, and had been rejected.

The House divided on the Motion—Ayes 36; Noes 100: Majority 64.

Amendment rejected, and Bill passed.

List of the AYES.

ENGLISH.	SCOTCH.
Aglionby, H. A.	Hay, Sir J.
Blamire, William	Johnston, A.
Brocklehurst, J.	Maxwell, J.
Brotherton, Joseph	Pringle, R.
Evans, Colonel	Wallace, Robert
Gaskell, Daniel	Wemyss, J.
Godson, R.	IRISH.
Handley, B.	Baldwin, Dr.
Harvey, D. W.	Blake, M. J.
Jervis, John	Fitzsimon, C.
Lamont, N.	Galway, J. M.
Lister, E. C.	O'Connell, D.
Lloyd, J. H.	O'Connell, Morgan
Parrott, Jasper	O'Connell, James
Pease, J.	Ruthven, E.
Philips, Mark	Shiel, R. L.
Shawe, R. N.	Sullivan, R.
Staveley, T. K.	TELLERS.
Warburton, H.	Gillon, W. D.
Williams, Colonel	Hume, Joseph

HOUSE OF LORDS,

Tuesday, July 9, 1833.

MINUTES.] Papers ordered. On the Motion of the Marquess of LONDONDERRY, an Account of the total Expenditure in the Department of Foreign Affairs, from 5th January, 1827, to 5th June, 1833, specifying the Expense of each year: Account of Sums issued since 5th January, 1831, to 5th June, 1833, for Secret Service in the Foreign Office, Admiralty, and Colonial Department: Account of the total Expenditure of the Extraordinary Embassy of the Earl of DURHAM to St. Petersburgh in 1832: a similar Account of the Duke of WELLINGTON'S in 1826: Account of the total Expenditure of the Extraordinary Embassy of Sir Stratford Canning to Madrid.

Bills. The Royal Assent was given by Commission to the following Bills:—Exchequer; National Debt; Serjeants' Inn Agreement, and several Private Bills.

Petitions presented. By the Earl of RODEN, from the Synod of Ulster, &c., against the Ministerial System of Education in Ireland.—By Lord GODOLPHIN, from the Dissenters of Wisbeach, for Relief with regard to Marriages, Registra-

tion, and Church Rates.—By the Earl of ABINGDON, from several Places; and by Lord HAMILTON, from Kilbachan,—for the Better Observance of the Sabbath.

CHURCH TEMPORALITIES (IRELAND).] The Church Temporalities' (Ireland) Bill having been brought up from the Commons,

The Duke of *Buckingham* said, seeing the noble Earl at the head of the Administration in his place, and having observed that a Bill materially affecting the rights of the Church of Ireland had just been brought up from the Commons he begged to ask the noble Earl when he meant to move the first reading of that Bill.

Earl *Grey* said, that he meant to follow the usual custom on such occasions, and move the first reading forthwith. It was not usual to make any objection to the first reading of a bill, because the House had an ample opportunity, in the after stages, of considering it. If their Lordships had no objection, he would therefore move, that the Church Temporalities' Bill be read a first time.

The Duke of *Buckingham* wished to know from the noble Earl, as the Bill involved the Prerogative of the Crown, whether he was authorized by his Majesty to introduce it? According to the Orders of the House, such Bills only could be introduced on a direct Message from his Majesty.

Earl *Grey*, as one of his Majesty's responsible servants, was prepared with his Majesty's consent to the introduction of the measure before them. It had always been the custom to communicate his Majesty's consent by one of his responsible servants.

The Duke of *Buckingham* said, that as his Majesty's sanction to this measure was necessary, it was requisite that their Lordships should know upon what evidence his Majesty had been induced to surrender such an important part of his prerogative. It was not enough for the noble Earl to say that his Majesty had given his consent. It was the duty of the noble Earl to bring down to their Lordships' House a Special Message to that effect from his Majesty.

Earl *Grey* believed, that the usual course was to communicate his Majesty's consent to their Lordships by some one of his confidential servants, and he saw no reason to deviate from that course on the present occasion. Besides which, it would be in the recollection of their Lordships, that his Majesty had recommended the consideration of this subject, in his Speech from the Throne, at the commencement of the Session. The usual course was to bring down a Message from his Majesty at the second reading.

The Duke of *Buckingham* still thought, that it would be better to bring down a Message conveying his Majesty's consent before the Bill was read a first time.

Earl *Grey* said, that a Minister was authorized to convey his Majesty's consent. A direct Message had, in many cases, not been brought down, till the Bill was in Committee. He would persevere in his Motion, that the Bill should be read a first time.

The Duke of *Buckingham* would appeal to their Lordships whether they ought to receive this Bill without knowing whether it was introduced with consent of the head of the Church. They were entitled to know whether the head of the Church had consented to what he must call the spoliation of the Church.

Earl *Grey* said, that if the House would wait a little they would have an opportunity of seeing whether or not the noble Duke had just cause to call that measure spoliation. He would (as had formerly been done by the responsible servants of the Crown) take the responsibility of the introduction of this measure on himself; and further than that, he did not think it was necessary for him to say.

Bill read a first time.

The Archbishop of *Dublin* rose to present a Petition from Dublin relative to the Church Temporalities' Bill, which their Lordships had just read a first time. On a former night he presented the same petition, but withdrew it on account of its informality. He stated then, that he would not say whether the petition was for or against the proposed measure. It was either for or against the measure, according to the alterations that might be made in it; that was to say, if certain alterations were made, it would be in favour of the Bill; if they were not, it would be against it. He would not enter into the details of the petition, further than to state, that some of its objections were taken away by the removal of certain clauses of the Bill, against which it seemed especially directed. He wished, however, briefly to call the attention of their Lordships to the present petition, as well as to others that had already been presented. A certain charge virtually lay against those petitioners, since they said that the clergy were ready to assent to the measure, provided certain alterations were made in it. As it had been asserted before,

that the Coronation Oath bound his Majesty not to make any alterations in the Church, therefore a charge was brought against those petitioners who said, that they would consent to the measure, if it were altered in certain parts. Those petitioners thought, as he did, that the Coronation Oath affected his Majesty in his executive, and not in his legislative capacity, and that it could not prevent the King from assenting to any Bill that might have been passed by both Houses of Parliament. If one branch of the Legislature were to be restricted by an oath, Parliament should also be bound by one; and if it was the intention of our ancestors that the Oath should have the construction put upon it by some, they would have been more watchful to impose such a restriction on both Houses of Parliament, than to impose it on the King. Restrictions should have been placed rather on the two other branches of the Legislature than upon one alone. He used the words two branches of the Legislature designedly; because, if the Coronation Oath could be interpreted as some would interpret it, there would be, as it were, a fourth branch of the Legislature. And, although the King, Lords, and Commons might agree to a measure, still it would be impossible to pass it, on account of this fourth branch—the Coronation Oath. Certainly the King was bound to be tender and careful as to the measures he consented to, yet he was not prevented by any Oath, from assenting to measures which had passed through Parliament, and which he thought fit and proper measures. For his own part, he was no partisan of innovation; but all that was said to be innovation was not; and it should be left to fair argument to prove what was innovation and what was not. But if the Coronation Oath was to have the power some said it had, it would be impossible to know what was innovation or what was not—what measures were necessary or useful, or the contrary—since there would be no room left for discussion. The petitioners considered the matter as left to the discretion of the King, Lords, and Commons; and they considered the Oath was intended to prevent the King from encroaching upon the laws, or from acting against them.

The Earl of *Eldon* would not at present enter into a discussion as to the object of the Coronation Oath; but certainly it was for the first time that he had heard from an Archbishop of the Established Church that they all—King, Lords, and Commons—had taken the oath. [A noble Lord said: The right reverend Prelate said no such thing.] He would be ready at a fitting opportunity to discuss the question with the first dignitary of the Irish Church; and then, if the right reverend Prelate would reconcile what he said now on the Oath with the arguments that would be then adduced, all he would say was, it seemed to him that no oath was of any use.

Earl *Grey* thought, it would be better to discuss the subject on a fitter occasion, and he should at that moment no further engage in it than say, that he was ready to adhere to the opinion on that matter of his right reverend friend. The best authorities in the country were of opinion, that the Coronation Oath related to the executive and not the legislative functions of the King. He rose chiefly to correct an error the noble and learned Lord had fallen into when he said, that he understood his right reverend friend to say, that not only the King, but both Houses of Parliament, had taken the oath. The noble and learned Lord had misinterpreted the words of his right reverend friend. What his right reverend friend said was, that the oath was binding in the King's executive capacity, but not in his legislative capacity; for if it was, it was singular that Parliament should not be bound by it also. So far, therefore, from stating that both Houses of Parliament were bound by it—that they were not, the right reverend Prelate adduced as an argument that the oath related only to the King in his executive capacity. The matter might be better discussed when the Bill was before the House.

The Bishop of *Exeter* said, that if the most reverend Prelate had met with persons who were of opinion that the Coronation Oath was not binding on the King in his legislative capacity, the most reverend Prelate had met with persons whom he (the Bishop of Exeter) had never met with. He would discuss the matter under debate on a future opportunity, and would then only say, that he entirely differed from the views of the noble Earl and most reverend Prelate; and as the noble Earl had appointed a time for the discussion of the point, namely, when the Bill should be discussed, he should reserve his arguments on the point until then.

Earl *Grey* had not appointed a particular time for discussing the point. What he said was, that when the point should be

discussed, he should be ready to maintain his former arguments on the subject. He begged to state distinctly, that it was his opinion that the present Bill did not in the least affect the Coronation Oath, and therefore he thought it wholly unnecessary to discuss what was or what was not the interpretation that should be put upon that oath.

The Bishop of *Exeter* begged to explain. He did not allude to what the noble Earl had just then said, but to what he had said on a former night, when he observed that he should be on a future occasion ready to adduce arguments that he considered would be irrefragable and unanswerable. The announcement of those arguments was not given as a pledge; but he understood that the noble Earl promised to adduce those arguments when the Bill should be discussed.

Earl *Grey:* if noble Lords insisted that the point should be argued, he should be ready to repeat arguments which he considered perfectly unanswerable.

The Duke of *Cumberland* asked the noble Earl whether he was to understand that the Coronation Oath had nothing to do with the present Bill? For himself, he never saw an occasion when the Coronation Oath was more nearly touched, nor did he ever see anything it had more to do with than with the present Bill.

Earl *Grey* hoped that the illustrious Duke would favour the House with his arguments upon the subject, and not confine himself to mere assertion.

The Duke of *Cumberland* would refer the noble Earl to the fifth article of the Union. Had the noble Earl read it? And if he had, could he say that the Coronation Oath was not binding, and that the present Bill had no conection with it?

Earl *Grey* had looked to the article of the Union alluded to—he had examined it as carefully as the illustrious Duke could have done, and he challenged the illustrious Duke to prove by argument that his Majesty would be violating his oath if he assented to the present Bill in case it should pass that House; and he sincerely hoped that it would pass, as he was sure that it would be beneficial to the country.

Petition laid on the Table.

Local Jurisdiction.] The *Lord Chancellor* said, that as he had stated on several occasions before what was the nature of this Bill, it would be now unpardonable in him to occupy the attention of their Lordships an instant. He would, therefore, simply move, "That the Bill be now read a third time."

Lord *Wharncliffe* rose to move, as an Amendment, that the Bill be read a third time that day six months. He said, that as this was a bill emanating from the first Law-officer of the Crown, and from Commissioners appointed to inquire into the state of the law in this country, he thought it more advisable not to offer any opposition to it in its former stages, but to wait until it had received all the amendments which were to be made in it, in order to see what shape it would assume before it became a law. He would now state his objections to the measure. He hoped, that neither he nor their Lordships would be actuated by any improper feeling on the occasion, although great pains had been taken on several occasions to throw odium on their Lordships, and they had now been over and over again warned, that the eyes of the people were upon them—that the people were jealous of their proceedings, and thought that they did not wish to give the poorer classes the relief those classes required. It was the duty of that House to be actuated by no improper feeling; it was its duty to carefully watch the provisions of every measure that was to pass into a law, and if their Lordships saw that the measure was not good, but, on the contrary, tended to do hurt to any portion of society, they were bound to do their duty, no matter what might be the construction put upon their conduct. He was of opinion, though a different doctrine had been held, that that House was peculiarly well qualified to pronounce an opinion on a bill of the nature then before them, containing, as it did, so many eminent persons who had been educated in the profession of the law. The House of Lords was more capable than any other assembly of pronouncing an opinion upon the efficacy of the proposed Bill, and its applicability to the present state of society; and he, for one, would not shrink from the performance of that duty. He had examined the Bill as attentively as he could, and the result of the consideration which he had given it, was a conviction that their Lordships ought not to pass it. Amongst the objections which he entertained to the Bill, there was this—that it was presented to them, as it were, under false pretences. He was as ready as any man to admit that the state of the law, so far as it related to the recovery of small debts, did require amendment, and

did demand, perhaps, the immediate interference of the Legislature; but the Bill before them, instead of effecting the Amendment which confessedly was wanted, went to create new Courts, and did more, in his opinion, to disorganize the Administration of the Law, than any single measure that he could recollect. Let it be admitted that there were some faults in our system of jurisprudence, he would say, let those faults be removed, but do not introduce new institutions. Nothing was more easy, when a grievance seemed to press with undue severity, than for any one to say, I will remedy this grievance by removing it altogether, overlooking all the while the chances of other and worse evils which the removal would inevitably introduce. It was very easy for any one to say, I will remove existing institutions—I will make the whole as a sheet of white paper; and when I have done that, I will write my own scheme thereon. That might be all very easy; but was it safe? Had they not much better adhere to the institutions of the country as they found them established, and preserve the principle of those institutions in its full integrity, only adopting such modifications in the true spirit of the ancient establishments of the land, as might effect improvement without producing essential alteration? In looking at the Bill then upon the Table of their Lordships' House, it should be borne in mind, that many of the counties, especially in the North of England, were very large; and it was a strange way of giving cheap and speedy justice, to send men from the remotest parts of Yorkshire or Lancashire to the county town, for the trial and settlement of their disputes. Perhaps it would have been better if the Assizes had been made more frequent; and now that there were enough of Judges, he saw no reason why there should not be more frequent circuits. It was stated further, that the proposed alteration of the law would lead to the reduction of fees. It was not necessary to have a special Act of Parliament for that purpose, seeing that the Judges at Westminster had full authority to regulate fees to any extent necessary. Again, great stress was laid upon the bene cial effects which the Bill would produce in the introduction of speedy justice. He confessed himself one of those who very much doubted the utility of enabling people speedily to settle their personal quarrels with attorneys at their elbows; and the profession contained amongst some of the most honorable, some of the basest of mankind: through the agency of such men litigation beyond calculation would be created. In his opinion, some part of the delay had a beneficial tendency, as leading to the compromise of suits. One of the evils which could not fail to arise from the Bill was, an immense increase of vexatious litigation. In all cases of assault, libel, slander, or personal quarrels of any kind, parties well knowing that they had at their hands the ready means of commencing actions would be always sure to do so, and petty suits would be multiplied without end. The Bill proposed that no action could be brought in these Courts for any sums above 50*l.*; but why, he would ask, should not suitors for that amount have an opportunity of availing themselves of the professional services of respectable men, instead of the low persons that would be sure to infest the several County Courts if this Bill were passed into a law. His noble and learned friend, the Chief Baron of the Exchequer, had told them only a few nights since, that almost all the bar were opposed to the Bill, and so likewise were the Judges of the superior Courts. They were opposed to it on various grounds, and amongst others on this—that it would tend to lower the high character of the profession. At present, the advocate in any cause pleaded that cause before a Bench, which he held in the highest veneration, and in the presence of a bar whose vigilance and rivalry he must fear. Under the Local Courts Bill, he would plead his causes before a Bench necessarily of an inferior order, and opposed to perhaps the very lowest amongst the attorneys. Was not such a change calculated to produce effects not only derogatory from the character of the profession, but seriously injurious to the interests of the public? Let him ask, also, how would the Bill affect the bar, as to its immediate interests? He wished their Lordships would look at the effect of this Bill in connexion with the measure which had changed the constitution of the Bankruptcy Courts. By that measure, offices of considerable importance were created; not similar in value to the abolished Commissionerships, which were scarcely worth the acceptance of any but those just rising in the profession, but places of considerable consequence, which it might be an object of ambition and desire with persons having practised for a long period at the bar, to obtain. Their Lordships were now asked

to sanction a measure which would enable the Crown to create as many more places of equal importance as it might deem fit. There were fifty-two counties in England; and whether or not it was intended to provide each of these counties with a Local Judge, he did not know; but it would be evident to their Lordships, that from the provisions of the Bill, the appointment of a considerable number of Judges and Registrars was contemplated. He did not mean to attribute the introduction of this measure to any desire of patronage on the part of the noble and learned Lord; but he requested their Lordships to consider what must be the power and influence of the Chancellor for the time being, if, besides possessing the appointment of the bankruptcy Judges, he should be enabled to dispose of the places created by this Bill, which the noble and learned Lord had valued at 2,000*l.* a-year each? He confessed, notwithstanding the great respect he felt for the talents, the dignity, and disinterestedness of the bar, that he was afraid that this Bill would have a tendency to lower the character of that profession. He would ask the House also, in what way could such a bill as that benefit the poor man? In what way did the rich tyrannise over the poor from any lack of ability on the part of the former to go to law? He would affirm, that the rights of property were never better protected than at the present moment; and, as to talk of benefiting the poor man by promoting the recovery of small debts, he should only say that, in writs for small debts, the poor man was generally the defendant. It had been said, that some analogy was to be found in the Scotch system with that which the present measure proposed to establish; perhaps there might be such an analogy, but with him that was no recommendation, since it was one of the objections to the Bill that it tended to encourage useless litigation, and the Scotch had shown themselves a people much more ready to go to law than the English, as the frequent appeals before their Lordships fully testified. His Lordship concluded by moving, that the Bill be read a third time that day six months.

The Earl of *Rosse* said, that the Bill was no experiment; that forty years ago a similar measure had been introduced into the Irish Parliament which had been in full operation from that time to this, and produced most beneficial results. The Law Commissioners appointed to investigate the proceedings of the Courts of Law in Ireland, expressed the strongest approbation of the effects of the measure in that country. The Registering Barristers in Ireland were, in his opinion, of the same sort of character as the Local Judges to be appointed under the present Bill, and their services in Ireland had been eminently beneficial. It had long been to him a matter of great surprise, that something of the sort had not been set on foot in this country. Noble Lords seemed to say, that the Bill would render justice cheap and speedy and near, and that that formed an objection. Did they mean to say, that justice ought to be slow, and dear, and distant?

The Earl of *Wicklow* said, that the noble Earl who spoke last was quite mistaken in supposing that the Irish Assistant Barristers at all resembled the sort of Judges who would be appointed under the new Bill. The Assistant Barristers were not stationary—they practised in the Courts above, and had about them all the good influence of metropolitan practice—each year acquiring fresh knowledge, and gaining from day to day upon the confidence of the people. If their Lordships, therefore, supposed that this Bill had the sanction of forty years' experience, and voted for it under that impression, they would be totally deceived. The courts in Ireland did not resemble the Courts it was proposed to establish in England. He agreed with the noble Earl, that the Assistant Barristers were of the greatest utility, and he should very reluctantly oppose the Bill, if the Judges under it were to resemble the Assistant Barristers; knowing, however, that no such resemblance existed, he should have no difficulty in supporting the Amendment which had been moved by his noble friend near him.

Lord *Lyndhurst* thus early presented himself to the notice of their Lordships, that he might fairly and candidly state his objections to the Bill. Out of doors he had been charged with party motives; but his noble and learned friend on the Woolsack, when he introduced it, said expressly, that it was not to be viewed as a party measure, and that it rested entirely on his own responsibility. He (Lord Lyndhurst) had sent a note from the Circuit, stating his dissent; and his noble and learned friend must, therefore, have known of his intention to oppose it. If it had since been adopted by Ministers, that was no reason why he should shrink from the opposition

he had before avowed, or hesitate to express with openness and confidence the reasons which he thought should induce their Lordships to reject the Bill. He would first direct their Lordships' attention to the very commencement of the Bill, which, on principle, seemed liable to the strongest objections. The first clause gave an unlimited and undefined power to his Majesty, or rather to his noble and learned friend on the Woolsack, to create any number of offices he might think fit—Judges, with salaries of 2,000*l.* a year—an equal number of Registrars, with salaries of 700*l.* or 800*l.* a year—and any number of subordinate officers which he might think fit to attach to those Courts. He would venture to say, without the fear of contradiction, that such a principle of legislation as this had never before been adopted by the Parliament of this country. He was well aware that, personally, his noble and learned friend had no wish for this unlimited power; his noble and learned friend did not desire this vast patronage; and, if given, it would be safe in his hands; but the Great Seal might be placed in a different trust. His noble and learned friend had observed, that he had endeavoured to find out some quarter in which he could place this patronage; but he had not been successful in his search, and had, therefore, been obliged, as a *dernier resort*, to place it in the hands of the Lord Chancellor himself. He was ready and willing to give his noble and learned friend credit for the most patriotic views, and the most disinterested intentions; but their Lordships were not, on such a subject as the present, to legislate for individuals. His noble and learned friend might not always hold the office which he now so honourably and usefully filled. It might be filled by a person of very different views, motives, and intentions. He could suppose a person possessed of the popular talents, of the commanding eloquence, and of the transcendant abilities of his noble and learned friend, but not possessed of the moderation and disinterestedness for which his noble and learned friend was so distinguished, holding the office which his noble and learned friend now filled—he could imagine such a person, anxious to devote the whole of his power to the purposes of personal aggrandizement and ambition, and indisposed towards those institutions of the country, which appeared to him calculated to check him in his career—he could fancy such a person, about to bring forward a new system, fully sensible of the fleeting nature of popular support and applause, and anxious to establish and consolidate his power upon some securer and more substantial foundation. Should there happen to be at any time such a person of such a character filling the high office of Lord Chancellor of England, the patronage which such a measure as this would vest in him would give him ample means so to consolidate his power and to establish himself in almost unlimited and permanent authority in this kingdom. Let their Lordships for a moment advert to the patronage and consequent power which the Lord Chancellor at present possessed. The Lord Chancellor had the disposal of Church patronage to an immense extent, and he thereby possessed immense influence among the clergy of the country. He appointed to the magistracy of the country, and he, in that way, possessed a strong influence over the whole of that powerful body of persons. In addition to all this, their Lordships should bear in mind, that the Lord Chancellor had the direct nomination of thirteen out of the fifteen Judges of the land—that he had considerable influence and control over the appointment of the other two—that he had also, almost absolute influence over the appointment of the two equity Judges, and that he held in his hands the sole appointment of the Judges in the new Court of Bankruptcy, with all the subordinate officers attached to that Court. The Lord Chancellor had also the power of selecting, for the honours of the profession, those whom he might be most disposed to prefer at the Bar, which gave him enormous influence and power over the profession at large. But this very great influence existed, merely, as things were at present. Now, if, in addition to it, their Lordships were to throw into the scale the appointment of thirty or forty new Judges (as proposed by this Bill), with thirty or forty new Registrars; and, at the same time, an immense influence was to be established over the commercial classes by the creation of an unlimited number of official assignees (all of which appointments would be at the disposal of the Lord Chancellor)—if, in addition to the power already possessed by the Lord Chancellor, their Lordships were to add the powers of this Bill—would they not make the office of Lord Chancellor of more substantial power than any other in the State? Suppose the office of Lord Chancellor to be filled by a person possessing

the popular talents of my noble and learned friend, but prepared to take a course of which he was incapable—suppose a Lord Chancellor, anxious to pervert the influence he possessed to private purposes and personal aggrandizement, what more desirable means could any such individual wish to unite in his own person, in order to extend and consolidate his power, than would be afforded to him by the Bill which his noble and learned friend on the Woolsack (with, no doubt, the most honourable and disinterested motives), now proposed for their Lordships' adoption? This was one of the grounds, amongst others, which induced him to oppose the Bill. He objected to it because it would place, in the hands of an individual, powers which would be inconsistent with the Constitution of the country; and which might, in the hands of a crafty, able, and designing Minister, be employed for the most unconstitutional purposes. He gave his noble and learned friend full credit for having endeavoured to divest himself of that patronage—he had wished to vest it in the Judges of the land—but he found, that no where could it be so properly lodged as with himself: he had judged rightly; and no man acquainted with the Constitution could decide otherwise. Leaving this point, however, he would call the attention of their Lordships to the expenditure that would be occasioned by the Bill. By means of an Act lately passed, he was able to state, that the cost of the Court in which he (Lord Lyndhurst) presided, was 35,000*l.* per annum; each of the two other superior Courts of Westminster-hall might be stated at the same amount; so that the expense of the whole three Courts of Westminster-hall did not much exceed 100,000*l.* a year. For this sum the whole body of the criminal and civil law of the country was administered; but the new system of judicature of his noble and learned friend would cost not less than 150,000*l.* a year, or one third more than the three superior Courts of Westminster-hall. He agreed, that where it was certain that a new system was a good one, the cost ought not to be taken into consideration; but, if the change were of doubtful policy, like the present, the expenditure of such a sum seemed the excess of extravagance. He would next proceed to his great objection to the plan—that which had been stated by the noble Baron, viz.—that it established local Judges to administer the law. Nothing could be more pernicious than the establishment of such local Judges, subject to local influences, partialities, and feelings. He begged their Lordships to consider the immense number of such local Judges which this measure would spread throughout the kingdom, and the danger of their being influenced by the prejudices of the narrow districts in which they would be placed. His noble and learned friend stated, that four of these Judges would be established in one of the Ridings of Yorkshire; in a comparatively narrow district, permanently residing there, subject to the influences arising out of the private friendships and private partialities which they must naturally form in their neighbourhood. They would be exposed to the charge of partiality, and liable to that which was as bad—the suspicion of it—in the discharge of their public and official duties. That would be the case with all the other local Judges which it was proposed to establish in the other districts of the country. It was, as he had stated in a former discussion, on the principle, that local jurisdictions were liable to such abuses, and had generated such evils, that the local judicatures which formerly existed were abolished. It was the abhorrence of such abuses which should induce their Lordships now to resist the establishment of such local judicatures. The principle, indeed, formerly existed in the jurisprudence of this country, but it was abandoned, to use the words of Sir Matthew Hale, on account of the "brocage and partiality," to which it gave rise. Would it not then be folly—would it not be wickedness, to re-establish a system exploded for such a reason? Several Acts of Parliament had been passed to prevent a Judge administering the law even in the county where he was born, and the preamble of the 33rd of Henry 8th expressly set out, that it was intended to remedy the evil that might be occasioned by the residence of Judges in the country. It said:—'Since the making of which good Act and 'law, divers justices and men learned in 'the law of this realm, for their own com-'modity and ease, have obtained, contrary 'to the form of the said Act, to be justices 'of assize, in the counties where they were 'born, or where inhabiting, whereby some 'jealousy of their affection and favour to-'wards their kinsmen, alliance, and friends, 'within the said counties, hath been con-'ceived and had against them by the King's 'most loving subjects. For reformation, '&c., that no justice nor other man learned 'in the laws of this realm shall use nor

'exercise the office of justice of assize 'within any county where the said justice 'was born or doth inhabit.' He admitted, that this law was afterwards repealed, but the ground of the repeal was, that practically the Judges never did reside, excepting occasionally, anywhere but in the metropolis. The principle of our law was, therefore, against the administration of justice by local Judges. Another objection, of considerable importance, was, that there would, in the course of a short time, be a material distinction—a marked separation between the practice and the law of these Local Courts and the superior Courts of Westminster-hall. Supposing that men of legal practice and of high consideration in the Courts of Westminster-hall should be selected to fill the situations of these local Judges, he would take upon himself to affirm, with confidence, that by being removed to a distance from the great centre of law and legal information, and residing constantly in their local judicial districts, without competition—without motives to exertion—without the constant watching of an independent and jealous Bar—they would, by degrees, become incompetent to discharge the duties which would devolve upon them. In stating this opinion to their Lordships, he did not rely upon his own unsupported authority. He would direct their Lordships' attention to a very high authority upon the point—to a passage in an article contained in a publication, of great celebrity, which was for many years conducted by a learned Lord, now a Member of the other House of Parliament, and to which his noble and learned friend on the Woolsack, if he had not been greatly belied, had, from time to time, contributed the aid of his powerful pen. The article from which he was about to quote appeared in the *Edinburgh Review;* and he the more readily quoted it as it referred to those very local tribunals in Ireland, which had been appealed to by a noble Lord, that evening, in support of that Bill. The writer, in reference to these tribunals, thus expressed himself:—'The objects of legal 'research, the occupations that quicken the 'faculties for the transaction of legal busi- 'ness, are among the least attractive exer- 'cises of the human mind; and it may be 'safely asserted, that nothing will keep the 'mind habitually exercised upon them but 'the pressing stimulus of a present neces- 'sity. A retired anatomist may cling with 'fondness to the inquiries of his past life— 'a superannuated astronomer will often 'think of the stars; but there is no such 'thing in nature as a Platonic affection for 'the *Term Reports*—no such variety of 'the human species as a middle-aged or 'elderly lawyer soothing his hours of legal 'ease with endearing recollections of Vesey 'junior.' That extract read as if it had proceeded from the powerful pen of his noble and learned friend on the Woolsack. The writer proceeded:—'Take a barrister 'from the superior Courts, and place him 'on a provincial bench—detach him from 'a scene in which every motive of gain, of 'ambition, of personal responsibility, are in- 'cessantly exciting him to keep himself 'in a state of intellectual fitness for the 'details of legal business, and transplant 'him to one upon which the two first of 'these motives cease to operate, and where 'his character as a lawyer, has little to 'apprehend from the criticisms of a rural 'auditory—do this, and the probable result 'will be, that the process of professional 'deterioration will immediately begin; 'that, relying upon his store of present 'knowledge, he will take little pains to 'continue or increase it; that much of 'that knowledge will rapidly and imper- 'ceptibly fade away.' He objected then to the establishment of these local Judges, on the grounds and for the reasons so well stated in that extract, and the authority of which his noble and learned friend on the Woolsack would hardly question. But there was another consideration to which he desired to direct their Lordships' notice, namely—as to the mode in which the appointment of these local Judges must necessarily be made. With regard to the appointment of the superior Judges in Westminster-hall, there was little or no room for the exercise of improper influence or partiality in their selection or appointment. Those appointments were subject to the vigilant control of Parliament, and were made under the scrutinizing eye of a vigilant Bar. Public opinion was always alive as to the manner in which any vacancies might be filled up; and no man, in the situation of a Minister of the Crown, would dare to appoint improper persons to the situation of Judge of the superior Courts. But will the case be so with respect to these provincial Courts of Judicature? Had not their Lordships and the public heard, not many years since, of the abuses which existed respecting the provincial judicature in Wales? Who could forget the vehement denunciations which his noble and learned friend on the Wool-

sack—then a Member of the House of Commons — poured forth against that system of provincial judgeships in Wales, which was, a few years ago, finally abolished? He would not make any personal allusions in discussing this measure, he would suppose that, in the distribution of these appointments, the Ministers would be guided by the best and purest motives; but what reason was there that their successors — that all Ministers hereafter — should have intrusted to them the appointment of thirty or forty Judges in different parts of the country? He would ask whether it was not likely that these appointments would be turned into Parliamentary jobs, to extend the influence and promote the objects of the Ministers of the day? He would next proceed to another leading objection which he took to this Bill. People were very generally accustomed to say—referring to the expense of legal proceedings—that it was a monstrous thing to be obliged to go to a court of justice for the recovery of a small sum, at the risk of incurring, comparatively, enormous costs. Now, to argue the subject thus, was to look at it in a very confined and partial point of view. One great object of the law was, to prevent litigation; and the law had, therefore, been laid down so precise and so certain, in this country, that a man, in the great majority of instances, was enabled to know and ascertain his rights without litigation. He would take upon himself to say that, comparing the system of law that was established in this country with the law established in other countries, the certainty and precision to which the law here had been brought would appear to the greatest possible advantage. The consequence was, that when a man conceived himself to be aggrieved, he went to his counsel and asked his opinion. He was enabled to ascertain his rights almost with certainty, and thus was not obliged to resort to a court of Justice but in comparatively rare cases. Therefore, he could not bring himself to believe that the system was radically bad, in consequence of the expenses attending the going into Courts of Justice, when, such good results flowed from it. Since he had last addressed their Lordships on this subject, a fact had been mentioned by Mr. Park, the professor of the London University, which was of great importance on this point; he had said, in one of his lectures, that Mr. Preston had given opinions on more than 40,000 cases during his life, and that not more than one in thirty had been made the subject of future litigation. On a former occasion his noble and learned friend had adverted to the right of appeal, which he contended, would make the system work perfectly well; but an appeal could only be had in plain and broad cases of error; and he little understood the operation of the plan who thought that it would be kept free from all objection because a right of appeal was given. No man was more anxious than he was to facilitate the recovery of small debts: he should be most happy to co-operate with his noble friend in any plan to accomplish such an object. When he did co-operate, his noble and learned friend knew that he neither wanted zeal nor industry; but when, on a former night, his noble and learned friend had applauded the system prevailing in Ireland, and the jurisdiction then existing, he must know that it was as different from the present proposed plan as possible, The jurisdiction of 20*l.* in Ireland only applied to cases of Bills, bonds, or notes, not easily liable to dispute, but in other cases it was of a much less amount. In personal torts there was not the remotest similarity, although in some cases between landlord and tenant the jurisdiction of the Court of the Assistant Barrister extended to 50*l.* But the main distinction on which he relied was, that by this Bill the Judges were to be local, while in the Irish system that vice did not exist. On a former night something had been said regarding the Bar, and he must refer to it again in spite of the denunciation of his noble and learned friend. He came from that Bar, and to that Bar he owed a duty which he was determined to discharge. In times of difficulty and danger the Bar had never been wanting. Its Members were the foremost supporters of freedom and the most resolute opponents of oppression; and never did a poor man stand in need of assistance that it was not instantly volunteered. The effect of the Bill upon the Table would be to degrade, and, ultimately, to destroy that Bar. Their Lordships were peculiarly bound to vindicate and protect it, for to it many of them owed their justly acquired honours. When he saw his noble and learned friend on the Woolsack, who had so lately emerged from that Bar—his noble and venerable friend on the floor, who had for so many years been the ornament of that House—his noble and learned friend opposite (Lord Plunkett), who was one of its brightest lights—and

his noble and learned friend near him (Lord Wynford), who had been one of its most brilliant examples, he could not doubt that the bar would scarcely stand in need of his advocacy. Many rivals, opponents, and successful competitors were still at the bar, and deserved, as they ought to receive, the support of his noble and learned friend on the Woolsack. From him (Lord Lyndhurst) they should ever obtain that meed of praise to which they were entitled, as far as his humble abilities enabled him to express it. He was convinced that more than one-half of the present business would be taken from the bar by this Bill; and in proof of this point, he begged to refer his noble and learned friend to the Report of the Commissioners. Besides, a number of provincial counsel would be encouraged by the Bill in the different districts: they would obtain the principal part of the business, and the junior portion of the bar would be deprived of that course of education which fitted them to mount the ladder of preferment. The plan would also operate destructively to attorneys and solicitors. His noble and learned friend had been cautious not to affix any schedule of fees to the Bill, or to give any verbal explanation of them; but it was quite evident, that no man of education or respectability would transact business in these Local Courts, so that the business in them would be left to the lowest retainers of the law, with all the other consequences of degradation. He had, on a former night, referred to the operation of a similar system in America and France: regarding the latter he would then only speak in general terms, from deficiency of information; but he was now furnished with the authority of an unexceptionable witness, M. Royer Collard, who had called what were here termed Local Courts, a deplorable system which the Empire had bequeathed to the Restoration. With the leave of the House he would read the opinion of that eminent and eloquent advocate—'Such is the deplorable 'system the Empire has bequeathed to the 'Restoration. The necessarily-resulting 'evils have developed themselves, and never, 'perhaps, has France possessed a more 'inefficient and less respected Magistracy. 'It is now easy to understand the weakness 'of the bar. The Courts have little taste 'for questions of law; their whole art con-'sists in avoiding cassation. The conse-'quence is, that the advocate only studies 'to present his case in such a manner as to 'conciliate the Judges, and despises a 'science which would be rather prejudicial 'than useful to him. I repeat, learning is 'almost as rare at the bar as on the Bench.' There was also another authority, that of Lord Hale, to which he would refer. It was true, that the Commissioners themselves had quoted that authority; but they must have read, almost in the same page to which they referred, that to which he should now call their Lordships' attention. Lord Hale was quoted as an authority for a cheap mode of recovering small debts, as an authority for the establishment of Local Courts in certain fixed places in each county. He should read the opinion of Lord Hale; but, before he did so, he wished first to mention that it was a part of his noble friend's Bill that these Courts should have jurisdiction in matters to the amount of 50*l*. That was the limit at which the jurisdiction was to be fixed and what did Lord Hale say on the subject? "The greatest danger imaginable in this is, that it may give a handle to the erecting of country judicatures, to the countermining of the kingdom. And I must confess, were this to be the effect of it, I think it were the most pernicious thing imaginable. If men, indeed, will be giddy and unsteady, and if we should suppose Parliaments not to be wisely sensible of their own and the public concern, men may suppose that 5*l*. may in time arise to be 50*l*. (that was the amount in the present Bill); and so the Courts of Westminster be destroyed. He that supposeth this, may suppose things yet more dreadful." Such were the opinions of that great, that learned, and constitutional Judge. It had been said, by his noble friend, who commenced this debate, that this had been described as the poor man's Bill. Why, there was not a morning on which he did not find the same doctrine instilled into him, in one of those documents which it was not necessary more particularly to mention. It was said, "You must have some underhand motive for opposing a measure of this description." The statement was not true. Never was there a bill less a poor man's Bill than this. It was a bill to enable a man of property to obtain judgment, to sue out execution, and to seize the property of the poor man, to assign it to the Registrar, to sell it, to turn him and his family into the streets in six weeks. It was emphatically a bill to oppress the poor. It was a bill to satisfy the creditor, by compelling a poor debtor to render him more speedy payment than could be obtained from a wealthy debtor

—it was a bill to give the wealthy every possible means of oppressing the man in an humbler station of life. The operation of the Bill would be this—tradesmen, shopkeepers, and others would allow the poor man to run into debt to the extent of his property, and if he failed to make instant payment, they would destroy him without mercy. Let their Lordships refer to the evidence of Sir John Cross, who was examined by the Commissioners:—Sir John Cross was asked: "Have you found any inconvenience from the facility with which small debts are recovered in the Court you have mentioned?" He answered, "I had frequent occasion to observe that the facilitating the recovery of small debts tended much to facilitate the contracting of them by the poor and improvident, and to the consequent increase of litigation and poverty. It was a frequent practice for publicans to allow drink to their customers upon credit to an extent which I thought they would not have done if there had not been a Court in which they could recover the amount of the debt so contracted; and I observed, in a great many instances, that small shopkeepers who dealt in provisions dealt largely in credit to the poor. The wives and even the children of workmen, who were from home engaged in their occupations, could go to one of those shops and obtain what they wanted, which was charged as a debt to the absent master of the family; and the account would run on in this way as long as the shopkeeper thought it safe to risk his property upon such credit. He would go on with a great many customers of that description at the same time, and at a convenient season he would sue out in one day summonses against twenty or thirty of such customers, and carry his accounts into the Court of Requests against them all at once." That was the testimony of a Gentleman who had presided for several years of his life over one of these small Tribunals in the town of Manchester, which was one of the best administered of the small debt Courts in the kingdom. In his judgment, implicit reliance might be placed; and after that, it might be asked, whether this was to be considered as the poor man's Bill? He should wish to direct their attention to the nature of the evidence on which the Bill had been founded. It was called the poor man's Bill. Were the poor, then, the witnesses who had been examined? No; the witnesses were wholesale tradesmen, shopkeepers, and sometimes bankers. One man said, there was nothing so abominable as the law of debtor and creditor in this country; that there ought to be a power for the creditor to imprison the debtor, and compel him to work till he had discharged the debt, or a percentage upon it. Another said, that there was no such abominable system in the world as that of the Insolvent Debtors' Court. Another, that these Courts should be without attorneys, and without professional men altogether. And if their Lordships were to read the evidence, they would find that the chief object of those who were examined seemed to have been to have a law which would enable the creditor to oppress, to grind, to destroy, with the utmost facility, his poor debtor. Let not this Bill be called the poor man's Bill; for, of all other Acts, it was the most oppressive towards the poor man. He should now direct their Lordships' attention to the provisions of this Bill. He should not go through them all in detail—he had touched upon them in the observations he made when the Bill went through the second reading, because he thought they were capable of being amended in Committee. He had attended the Committee, and made suggestions for their amendment; but he was constantly told, that this Bill was brought in as the result of five years' deliberation—that such a Bill had once before passed one of the Houses of Legislature—that it had been amended—made the subject of examination by the Commissioners—reported on and amended again—and could not be further altered, and accordingly none of his suggestions were adopted. He had in the first instance, objected to the principle of the Bill—he had discussed it on principle—and he should now call their attention to its provisions. These Courts would absorb all the cases of personal tort. Every case of personal tort would be taken from the Superior Courts: and for this reason—their jurisdiction was to extend to cases of the amount of 50*l.* Where the damages were uncertain—where they must depend on the caprice of a Jury—he who had to bring the action would not, on the chance of getting a verdict for more than that sum, bring it in one of the Superior Courts. He had looked into the cases of this kind, and he found that there were twelve or fourteen in which the verdict was for a sum below 50*l.*, for one case in which the verdict was for a sum exceeding that amount. The result, therefore, would be to transfer to these Local Tribunals all actions for libel, for malicious trespasses—in

short, all actions for person torts. What would be the consequence? Why, that all such cases would be decided before the day of trial. Before then the merits of the whole question would be discussed and determined; and would the noble and learned Lord introduce a bill which would have such an effect? He had suggested that some remedy should be applied to this evil. The noble and learned Lord had undertaken to find a remedy, and let them mark what was the effect of that remedy. It was this—the defendant might remove the case to the Superior Court. But on what terms? Why, that he should give security for the damages and costs which might be awarded in the action. The wealthy man would be able to give such security. The Bill in this, as in other respects, was in favour of the wealthy man, but the poor man could get no such security. What, then, was his situation? Why, that if the circumstances attending the trial were such as to preclude the hope of its impartiality in the Local Courts, he must suffer all the inconvenience of such a result. And were they so destitute of understanding as to be told after this that the provisions of this Bill were in favour of the poor. The noble and learned Lord said, that the Bill followed the recommendation of the Commissioners. It did no such thing—they recommended twenty pounds as the limit of the jurisdiction of these Courts, the Bill raised it to fifty pounds. The former Bill was for one hundred pounds—it might be easy hereafter to advance the jurisdiction. If it were raised to the sum originally proposed, the King's Bench would be ousted of nineteen-twentieths of the causes which now came before it. And let them observe the consequence with regard to the suitor. A man might have a good cause of action for a sum exceeding the limit of the jurisdiction of the inferior Court, on submitting his case to Counsel he might be so advised, and his demand might be most just. If he went into the Superior Courts, the absence of a witness, the impossibility to procure a certain document, might reduce the verdict to a sum within the jurisdiction of the Local Courts, and then he would be mulcted of his costs. Besides questions of the greatest importance and difficulty often occurred where the real sum in dispute in that action did not exceed 2*l.*; where a balance of accounts, according to the decision of an important principle, did not exceed 10*l.*, and many most important questions of insurance had depended on a claim of less than 10*l.* Yet on this Bill a man must go into the Local Courts to have these questions decided, instead of having them decided by the first law authorities of the country. Here again, the Bill departed from the recommendation of the Commissioners, who said, that the costs should be in the discretion of the Superior Courts, though the sum recovered might be within the jurisdiction of the Local Courts. Again, with respect to the venue or the place of trial. The venue was arbitrarily fixed in the district of the defendant, provided the plaintiff or one of the plaintiffs resided in the same district. But it frequently happened, that the partners of mercantile houses were resident in different parts of the kingdom, and if it should so happen, as was by no means improbable, that the partners of one of these great houses should become plaintiffs in a cause within the jurisdiction of the Local Courts, and one of them should be resident in the same district as the defendant in a distant part of the kingdom, the defendant would have the power of fixing the venue there, and the plaintiffs, under this cheap system of justice, might have to carry their witnesses 200 or 300 miles. Here again the recommendation of the Commissioners was departed from. He had a right to discuss these matters in this stage of the Bill, and to ask their Lordships whether they could adopt this Bill, the result of five years' deliberation, as a specimen of sound legislation. There were no means to give the party aggrieved by an unjust verdict the benefit of a new trial. A new trial could not be had without a reference of some important point of law to the Judges. But any man who was conversant with courts of justice, knew that jurymen sometimes gave verdicts against the opinion of the Judge, and against the manifest weight of evidence. The remedy was in the hands of the Court who granted a new trial. He would put a case of this kind. Suppose an action brought against a man for charging another with an infamous crime—a justification pleaded, and the Jury, contrary to evidence, and to the opinion of the Judge, find that the justification was made out. What would be the result? A record of infamy would exist against an innocent man. And that was the specimen of the legislation of the Lord High Chancellor of England, after five years' deliberation. Then again, in other actions, wherever the plaintiff resided, the defendant might compel him to come up

and be examined, and if he neglected, he was to be forthwith fined. A Bill to the same effect had been proposed by a noble and learned friend near him (Lord Wynford), with an infinite variety of bars, indeed, which were not to be found in this Bill; but that Bill was deemed so unjust and oppressive, that the noble and learned Lord opposite (Lord Plunkett) took horror at it, and urged him (Lord Lyndhurst) to oppose it, which he had done. Then again, with respect to Juries. He had read lately an opinion to this effect on Juries:—"Juries, no doubt, may be got rid of, and ought to be got rid of, in the Local Tribunals, as a cumbrous and troublesome piece of machinery, for which, in the Superior Courts, the only argument is, that in cases between the Government and individuals, they are not so liable to be biassed as Judges. In all other cases, a Judge is to be presumed a better instrument than a Juror." Such was the language of one of those journals which espoused the cause of the Whig Government of this country. By this Bill the Local Judge was to sit, assisted by a Jury of six persons. The Local Judges would be men of influence in their neighbourhood, and the more they diminished the number of the Jury, the more they increased the power of the Judge. Was it right, therefore, in cases affecting the property and character of all men, that any one man should be the exclusive administrator of justice, and that, too, without the power of review, except in the case of the grossest error in law. But that was only a small part of the matter. How were the Jury to be summoned? He prayed their Lordships to mark this provision of the Bill. In the Constitution of the country the greatest possible caution had been used as to the summoning of Juries. The Judge had nothing to do with it. He went down and met the Jury, and possessed no influence over them except that which his character and station justly gave him. The case in this Bill was very different, and in respect of Juries it departed widely from the most wholesome principles. Who did their Lordships suppose was by this Bill to be intrusted with the summoning of the Juries? The Registrar of the Court—the travelling companion of the Judge—a person selected by the Judge himself. If the Jury were to be selected by the Judge himself, it would be far better, for he would be a responsible person; but to allow the Registrar, who was not a responsible person, and was the friend of the Judge, to select the Jury was a monstrous violation of principle. The Jury besides, were to be taken from the immediate neighbourhood, so that the Registrar, to please a wealthy acquaintance, might pack the Jury; and yet that was what was called the poor man's Law. Throughout this Bill, the poor man was bound and fettered—he must take such law as they pleased to give him; but the rich man could evade the law with ease. It was said, that if the Judge was wrong in point of law, the party might appeal. The appeal was to be on a case settled by counsel on both sides, and if they disagreed, by the notes of the Judge. But the counsel always would disagree; and suppose the Judge to alter his notes so as to evade the point, how then could any appeal be made? It might be said, that an alteration in their notes could now be made by the Judges in Westminster-hall. That was true, but there was this difference; the Judges in Westminster were watched by an independent and enlightened bar, and if the bar did not like to trust the Judge, they need not appeal in that form, but might tender a bill of exceptions, make him seal it at the time, and if the Judge were in the habit of misrepresenting his opinions, the bar would cease to trust him, and would invariably have recourse to that method of proceeding. There was no analogous provision to that in this "Poor Man's Bill" in his favour against a partial Judge, and suffering as he was now said to suffer under the scourge of dear and uncertain law, this Bill would only add to his misfortunes by making his oppression certain. He could point out more objections of a similar kind; but he thought that these were a sufficient sample of the whole measure. The noble Lord had, on a former occasion, mentioned Lord Somers—*clarum et venerabile nomen*—and had described that nobleman as having to struggle in an attempt to improve the law against petty and paltry objections. There never was, however, a more cautious man than Lord Somers, nor any one more attached to the ancient institutions of the country. His character had been thus described by a contemporary:—"He was very learned in his own profession; he had a great capacity for business, with an extraordinary temper; so that he had all the patience and softness, as well as all the knowledge, the justice, and equity becoming a great magistrate. He had always agreed in his notions with the Whigs, and had studied to bring them to better thoughts of the King." Lord

Somers was a most cautious man, and caution was marked in every line of the Bill of that noble Lord. Lord Somers, too, was warmly attached to the institutions of that country, and the principles of those institutions were carefully adhered to in his great measure. If his noble friend, by referring to Lord Somers, meant to compare his Bill to that of Lord Somers, he must say, that no two measures could be more opposed to each other, both in principle and in their details. With reference to the general principles of Law Reform, he would trouble their Lordships with one extract more from Lord Hale's writings. "The truth is (said Lord Hale) if upon the discovery of some inconvenience in lawes the business were only to provide a plaister for that sore, the reformation of any law was very easy; but the great business of a Reformer is, not only to see that his remedy be apposite, but that it doth not introduce some other considerable inconvenience, or at least with the inconvenience that it remedies takes not away some other considerable convenience, which the former Constitution, before the alteration, brought with it." That was the true principle of Reform which their Lordships should adopt; and having thus described it to them in the words of that great lawyer, he would ask their Lordships whether this Bill proceeded upon that principle, or was characterized by that spirit which actuated the conduct of Lord Somers, and prevailed in the writings of Lord Hale? He had, in stating his opinions, discharged the duty he owed to the country, and to the station which he had the honour to fill, his duty to their Lordships, and to that profession of which he was proud to be a Member; he had stated the arguments which, in his mind, were sufficient to condemn the Bill; and had endeavoured to lay before their Lordships the reasons which would make him vote against the third reading of it, and the decision, he confidently left to their Lordships' wisdom. He had no personal ends to answer—he had no private motives whatever to gratify. To their decision—whatever it might be—he should cheerfully bow, although his own opinion was decidedly against the measure. He had only, therefore, in conclusion, to declare his assent to the Amendment proposed by his noble friend.

Lord *Plunkett:* could not but express his admiration of the very able, eloquent, and masterly speech of his noble and learned friend who had just sat down; and in doing that he must also express a hope that their Lordships would not suppose that he came forward in the hope of answering his noble and learned friend, or with the intention of following him through the great variety of matters on which he had so ably and amply dilated. It neither suited his place, nor the scope of his information, to enter into a great portion of the subjects which the noble and learned Lord had introduced; and, indeed, he should not conceive himself warranted in addressing the House at all upon this subject, except upon that part of it which related to the country of which he had some local knowledge. Following the example of his noble friend upon the Cross-Bench, he ought, perhaps, to confine himself solely to a statement of what experience and observation had taught him of the working of these inferior jurisdictions in Ireland; but he could not entirely pass over all the topics which had been adverted to by his noble and learned friend. A great proportion of his noble friend's speech was occupied, not in discussing this particular Bill, nor in reference to the patronage which might be exercised under it by the Lord Chancellor, but upon the Chancellor's general patronage—a subject on which his noble friend had spoken with a great deal of warmth. That part of the speech, if it had any application at all, would go to the total abolition of the office of Chancellor; seeing that it was directed against his present patronage in the appointment of the superior Judges and in bestowing the preferments of the Church quite as much as against the patronage to be given by the Bill. His noble friend had described the character of individuals who might exercise the patronage attached to the high office of Chancellor, improperly; but as the noble and learned Lord on the Woolsack stood acquitted on the admission of his noble and learned friend himself from any such imputation, it was unnecessary to dwell upon that topic. He should merely observe, that no man had ever ventured to cast blame upon his noble friend on the Woolsack, for the manner in which he had exercised the patronage, legal or ecclesiastical, at present vested in him by law. With respect to the latter, he believed that the right reverend Bench would be ready to admit, that the Lord Chancellor had paid a proper deference to their opinions on this subject. It was true that, in reference to the framing of the Bill, it was fair to examine its provisions in the abstract, without adverting to

the individual by whom its patronage was now to be exercised. He admitted, with his noble and learned friend, that Lord Brougham was not to be Lord Chancellor for ever, although he did not precisely know what date his noble friend had assigned in his own mind to the Chancellor's tenure of office. His noble and learned friend had asked him, with somewhat of a smile, whether the noble Lord who had moved the Amendment, had not adopted his lesson? His noble and learned friend, did him an honour to which he was not entitled. He recollected that the noble and learned Lord (Lord Wynford) introduced two Bills, to which the public attention had not been very much called; and it was his misfortune to differ from the noble Lord upon both those Bills. He had, however, the good fortune to call the attention of his noble and learned friend who addressed their Lordships, to the latter of those Bills; and, in consequence of that, the first Bill was withdrawn, and the other postponed. But the ground upon which he opposed those Bills was totally different from the ground upon which the present Bill was attacked. He conceived that one of those Bills was taking a liberty with the freehold property of the country somewhat hastily—however he did not wish to involve himself in a discussion of those Bills again—whether right or wrong they were totally different from the present measure. His noble and learned friend (Lord Lyndhurst) was partly indebted to him he believed for the zeal which his noble and learned friend showed for the public interest on that occasion; but he could not compliment his noble and learned friend on his zeal in opposing the course of legal Reform, of which the Bill before their Lordships was a part. The object of the noble and learned Lord (Lord Wynford) was not to establish local jurisdictions; he was not for removing causes from Westminster-hall, but was for drawing additional practice to it; and though he was doing a thing which, in principle, was extremely good, (so good that if it had been brought forward with proper modifications, he should have been happy to have offered it his humble support), yet as it was not so brought forward, he could but oppose it. He thought that in considering this Bill their Lordships were bound to look to the actual state of the country, and determine what might be most useful to be done; this course was preferable to going into the former state of the law, and groping after precedents. If however they were to be guided by precedents, they would find, that the ancient administration of justice in this country rested entirely on local jurisdictions, upon which the establishments of Courts in Westminster-hall was an innovation and improvement. Did he (Lord Plunkett) say, that that reformation was not of a valuable nature, and that we must abandon it, and go back exclusively to the old and exploded system? No such thing. No man revered the system more than he did. But he thought that in like manner, as great men had formerly made alterations in the then existing system, with a view to suit it to the wants and circumstances of the times, the Legislature was now bound to follow their example in the course of improvement. The noble Lord had rested his case a good deal on principle and authority: first, with respect to authority, he had quoted Lord Hale that night and Judge Blackstone on a former occasion, but in doing so the noble and learned Lord had not acted with his usual candour and fairness, for if he had taken into account the spirit of the whole passage from either authority, he must have seen that the objections made by Blackstone and Hale to local jurisdictions were not applicable to Courts such as it was proposed to establish under this Bill. Those learned persons, in reference to the general administration of justice, had contrasted the system of local jurisdictions with the Courts in Westminster-hall, and they gave a preference to the latter; but they made no comparison between the propriety of having Local Courts for the recovery of small sums, without trenching on the authority of the superior Courts, and the plan of devolving all upon the higher jurisdictions. Their main objection to Local Courts arose out of their dislike of permanent local residence on the part of the Judges. He was free to admit, that objections might reasonably be taken on that point; and that in reference to residence, the measure was susceptible of improvement. He would venture to call this the "poor man's bill," notwithstanding the somewhat whimsical and sarcastic observations of his noble friend on that subject, and he trusted that the House would do its duty by supporting the measure as one calculated for the advantage of a class which was peculiarly entitled to protection. His noble and learned friend on the Woolsack proposed to introduce one or two of the new jurisdictions in the first instance, partly with a view to an ex-

periment as to their operation and effect. When a greater number of Courts should be established it might be prudent to transfer the Judges from one district to another, in order to obviate the objection to local residence, which might be justly made. That ought not to prevent their Lordships from assenting to the Bill, for it was only one of the imperfections which time and a little arrangement would be sure to remedy. The object of the measure was not merely to cheapen justice, but to expedite it, by relieving the superior Courts in Westminster of part of the business by which they were now overwhelmed, transferring it to a summary and speedy jurisdiction. The commencement of a system of this kind in Ireland was even more ancient than many noble Lords might imagine. It was to be dated from the 2nd of Geo. 1st (about the year 1717), when a portion of their jurisdiction was taken from the superior Courts in Dublin, and given to the Judges going the Assizes, at which they were empowered to decide causes of a certain amount in a summary form, and not according to the established principles of the superior Courts. This system was continued down to the year 1796, with some trifling variations. It should be borne in mind, that the Act of 2nd George 1st went the length of taking away the system of pleading bills of exceptions, and the power of carrying causes to the House of Lords, which his noble friend seemed so much to desire for the poor man. Undoubtedly their Lordships' jurisdiction was very satisfactory to the parties who could pass through it, but it was exceedingly troublesome and costly to get their Lordships' decision. Desirable as it was to have the power of making such an appeal, it would be a proceeding still more desirable if it were a little less expensive. If their Lordships looked at the preamble of the Act of 1796, they would perceive that, after an experience of seventy or eighty years, the jurisdiction established by 2nd George 1st was found to be so burthensome and expensive to the people, that it became necessary to take it away from the Judges of Assize, and give it to assistant barristers. By taking away a cumbrous mode of proceeding, and afterwards transferring the jurisdiction of the Judges of Assize to the assistant barristers, whose Courts were established on the principle of the present Bill, the whole proceeding in Ireland, which had been attended with many advantages, was a precedent for the measure of the noble and learned Lord on the Woolsack. The noble Earl (Wicklow) had said, that the assistant barristers' Courts were different from the jurisdiction now contemplated in the amount relative to which the Courts could decide, and also in the circumstance of the Judges not having fixed Circuits. It was argued by the noble Lord, that the Irish assistant barristers were shifted from one Court to another, but in this the noble Lord was misinformed. From 1796, down to the period of the passing of the Reform Bill, no change had been made in the locality of assistant barristers, and, during all that time, no complaint, or hint of complaint, had arisen out of the circumstance. After the passing of the Reform Bill, it was said, that as assistant barristers had considerable power intrusted to them with respect to the registration of voters, it might be desirable to change their position, with a view to prevent the possibility of local prejudice or prepossession: accordingly a change was made in some cases, but not universally. So far as the experiment in Ireland was a test of the soundness of the principle of the present Bill, he was entitled to rely upon it. Justice was well administered under the system, which had proved itself the "poor man's system;" and the character of the Bar had not been degraded by it. He felt no apprehension that the Bar would be degraded in this country by the adoption of a similar system, which he was persuaded would be found beneficial to the community, and not injurious to the interests of individuals. His noble friend had fallen into two errors—he under-rated the existing mischief, and over-stated the inconveniences of the proposed remedy. Had his noble friend read the Report of the Common Law Commissioners when he extenuated the evils of the existing system? The Report stated, that 'The mischief arising from delay is 'particularly felt in the great commercial 'districts at a distance from the metropolis. 'Where a cause of action arises previously 'to the Summer Assizes, but not at such 'an interval as to admit of the cause being 'tried at those Assizes, a defendant is often 'able, at a small expense, to set his creditors 'at defiance for nine or ten months; the 'plaintiff cannot go to trial till the next 'Spring Assizes, nor obtain execution, in 'the ordinary course, before the following 'April. In other cases, the delay may 'amount to nine, eight, or seven months; 'and it may be stated that, on the average, 'judgment cannot be obtained through the

'medium of a trial at the Assizes in less 'than six months.' Delays such as those could not but prove very inconvenient and burthensome to the poor man, for though a creditor, a man might be still but poor. His noble friend had adverted to passages in the newspapers (in which he appeared to concur), that vulgar attempts were made to arouse the feelings of the people by describing this as the poor man's bill, and by characterising all opposition to it as unjust to that class of the community. Certainly his noble friend was not liable to any accusation of an attempt to gain popularity by his proceeding upon the present occasion, unless he were in search of popularity amongst debtors, when he talked of "the oppression of creditors," forgetting that, in nine cases out of ten, the creditor, and not the debtor, was really the injured man. However, his noble and learned friend appeared greatly disgusted at the summary process contemplated by the measure, and he very pathetically observed, "you call this the poor man's bill, which enables a creditor to have execution within six weeks!" That was the grand enormity of the Bill. It was a monstrous thing in the eyes of his noble and learned friend, that a plaintiff should not only get a verdict, but, within a short period, obtain execution and payment of his demand, instead of having to wait some twelve months for it. He should trouble the House with another extract from the Report on this subject:—'The average 'expense incurred by a plaintiff in prose- 'cuting a suit to judgment and execution 'cannot be estimated at less than 30*l.*, and 'of the defendant at not less than 20*l.*, 'independently of the costs of conveying 'and maintaining witnesses, which, in a 'country cause, constitute, with the expense 'of passing the record and of entering the 'cause for trial, the most considerable part 'of the costs. These are the more serious 'where the places where the Assizes are 'held are situated at a considerable distance 'from the populous parts of the county. 'When a witness from Manchester or 'Liverpool is taken to the Assizes of 'Lancaster, the costs of conveyance and 'maintenance do not average less than 'from 7*l.* to 8*l.*; it, therefore, frequently 'happens, that the costs of a plaintiff, when 'three or four witnesses are necessary to 'make out his case, amount to at least '50*l.* or 60*l.*, but often, we believe, to a 'much larger sum. The combined effects 'of delay and expense are necessarily very 'injurious to the interests of the creditor 'who sues for a debt to the amount of 20*l.* 'or 30*l.*, or even to a much larger amount. 'If he sue in the County Court, the de- 'fendant may remove the cause as of course, 'without entering into a recognizance, into 'a superior Court, where the plaintiff has to 'encounter as great an expense, and greater 'delay, than if he had sued at first in the 'higher Court. If he sue in the higher 'Court, he cannot proceed to try the cause 'at the Assizes without incurring the risk 'of extra costs to the amount of from 10*l.* 'to 20*l.*; to these he is liable, even though 'he should succeed, not only in obtaining a 'verdict, but in levying execution. But the 'defendant may, pending a litigation of 'several months, have become bankrupt, in- 'solvent, or have removed himself and his 'property beyond the reach of legal process; 'other more pressing creditors, by successive 'arrests, may have swept away the whole of 'the property. In any of these cases, the 'creditor would not only lose his debt, but 'a much larger sum in costs. The very 'probability that a creditor will be debarred 'by the apprehension of trouble and expense 'from prosecuting an action at law affords 'an additional inducement to a fraudulent 'debtor to set his creditors at defiance; and 'thus, whilst the law offers to the creditor a 'mode of remedy which is often only delu- 'sive, it in effect encourages the debtor to 'make a vexatious and fraudulent resistance. The Commissioners added, 'We think it 'probable that nearly one-half of the causes 'tried at the Assizes, are for causes of 'action not exceeding 20*l.* each, and that 'the expense of litigating them is equal 'to at least four times the aggregate 'amount actually recovered.' And they concluded that part of the Report by saying, 'Upon the whole it is our duty to represent 'to your Majesty, that the inadequacy of 'the present Courts in causes of action from '40*s.* to at least 20*l.*, amounts almost to a 'denial of justice; and that we believe the 'complaints made by numbers whose evi- 'dence is stated in the Appendix to this Re- 'port to be just, that creditors are, from want 'of sufficient means to obtain redress, 'obliged to abandon their just demands; 'that debtors are from the same cause 'tempted to a dishonest resistance, and that 'the result is great injury to public morals 'and to private rights.' That was a state of things which ought not to exist; and could it be said, that a Bill which went to remedy it was not a poor man's Bill. His noble and learned friend could not have

read the Report of the Commissioners, nor did he appear to be very correct in his recollection of what had been said by Lord Hale, when he quoted the authority of that learned Judge as against Local Courts. Lord Hale, whose words were quoted by the Commissioners, said, and he would beg leave to read the whole passage from the Report. The Commissioners observed, 'That the change in the value of money, 'and the gradual depreciation of the coin 'through many centuries, have tended 'still further to abridge the ancient Local 'Jurisdictions. At the time when 40*s.* 'was made the limit to the jurisdiction 'of the Ancient Local Courts, that sum 'was probably fixed upon from the pro-'portion which it bore to the expense of 'a suit in the superior Courts and 'would amount to at least 25*l.* of pre-'sent money. From these causes the juris-'diction of the Local Courts has been 'gradually reduced from above 25*l.* to 40*s.* 'in present money, and to the same extent 'has the jurisdiction of the superior Courts, 'in point of amount, been extended. The 'inconvenience resulting from the want of 'inferior Courts with competent powers to 'administer justice has long been felt. 'Sir Matthew Hale bestowed great atten-'tion on the subject, and the result of his 'consideraiion was, that the limit to 'the jurisdiction of the inferior Courts 'should be extended to 10*l.* This conclu-'sion of Sir Matthew Hale was founded 'on the principle, which we think a safe 'one to adopt, of restoring—' He begged their Lordships to remark, that this was not innovation, but restoration.—'the local 'jurisdiction to the ancient limit, regard 'being had to the change which has taken 'place in the value of money since the time 'when 40*s.* was fixed as the proper limit. After stating this, the Commissioners then quoted the following words of Sir Matthew Hale:—'By the true and wise Constitution 'of this kingdom, suits where the debt or 'damage amount not to 40*s.* were not to 'be determined in the Courts of West-'minster unless a title of land came in 'question, but they were to be determined 'in the County Court, Hundred Court, or 'Court Baron. And this was the ancient 'law; *vid.* Stat. Gloucest. 6th Edward 1st. 'At that time 40*s.* was a considerable sum; 'first, in respect of the intrinsic value of 'the coin, for then 20*d.* made an ounce of 'silver, and at this day it is 5*s.*, viz., 60*d*, 'and upon that single account, 40*s.* then 'ariseth now to 6*l.*; but, second: that 'was not all, for, as I may say, money was 'at that time dearer than it is now, because 'there was not so much, and hence it is 'that the prices of all things at this day 'are much dearer now than they were 'then, because money is much more plenty 'now than it was then.' Nor was this all, for he further said, 'That it was the wise 'constitution of the Common-law to keep 'small suitors from the great Courts of 'Westminster.' That was the opinion of Lord Hale, and so far from the opinion being in favour of the opinion of the noble and learned Lord, it was directly the reverse. But there was still a higher authority in support of the principle of the Bill; it was that of the Judges of the present day, who had unanimously decided, that whatever might be the merits of a case in an action below 20*l.*, they would not grant a new trial, except upon some point of law, which the Judge who tried the case might have reserved at the trial, and this was on the principle, that it would be better for the party seeking it to give up his case of 20*l.* rather than risk the costs of a second trial. Was not this, in effect, an admission that the superior Courts were not the places in which actions for such small sums could best be brought? His noble and learned friend had laid some stress on the fact, that some of the merchants and traders who had been examined by, or who had sent statements of their opinions to the Commissioners, had sought to do away with the jurisdiction of any Law Courts in some cases of debt, and were anxious to have such cases decided by a certain number of merchants, without any reference to the ordinary legal proceedings. Now, supposing the fact to be exactly as his noble and learned friend had put it, did it not show the sufferings of that class of men from the operation of legal proceedings in such cases, and their willingness rather to have their causes adjudged by a tribunal where the enormous costs of such proceedings might be avoided? Was it in favour of the present system that the parties most interested should rather give up all law, and have the matter decided by members of their own body, than by legal process in the superior Courts? His noble and learned friend had argued as if these Courts would be presided over by unfit persons, but they were to be appointed by the responsible servants of the Crown, and to be chosen from that profession which his noble and learned friend had so justly eulogized. He believed that these circumstances would ensure the respectability of

the persons who were to be chosen as Judges under this Bill, and would be a guarantee to the parties who might come to sue in the new Courts. At the same time it should be considered that even this feeling of confidence on the part of suitors, would not bring away the great business from the superior Courts; for even if the new Courts were to be in full operation, still more than half the causes of action would be tried by the Courts in Westminster. His noble and learned friend had said, that it would be no relief to the poor man to have his cause removed by *certiorari* to the superior Courts, where, besides the security for costs and damages, there might be damages to an unlimited extent; but his noble and learned friend forgot that the cause of action was limited to 50*l.* and that there would be no necessity for taking out a *certiorari*. He would not delay their Lordships with any further remarks. His noble and learned friend on the Woolsack had already gone into the merits of the measure, and would, no doubt, fully answer any remaining objections that might be made to it.

Lord *Wynford* was surprised to hear from noble Lords opposite an assent to propositions which they had opposed in a Bill which he had introduced on a former occasion. He had introduced a clause for the examination of parties to the suit, by which much time and expense might be saved, but that was objected to by noble Lords who now supported an examination of parties to actions under this Bill, which was more extensive in its nature. He could not account for this inconsistency.

Lord *Plunkett* begged to interrupt the noble and learned Lord, what he said, was, that he objected to the noble and learned Lord's measure on two grounds. First, because the interrogatories established by it affected freehold property; and secondly, because Courts of Equity would not have a proper check on the decisions of other Courts.

Lord *Wynford* would not pursue the subject, but come at once to the merits of the Bill. The noble and learned Lord said, that his noble and learned friend might as well object to the office of Lord Chancellor as to his patronage. The patronage which this Bill would give the Lord Chancellor was undoubtedly very great, and if that were the only patronage at the disposal of that noble and learned Lord, it would form no great ground of objection to the Bill, and would not make the office of that noble and learned Lord extremely dangerous; but it should be recollected that the patronage which the Bill would give was united with other patronage already too extensive, and that the addition would make both dangerous in one individual. This was a matter which, in a constitutional point of view, ought not to be lost sight of. Their Lordships should look at it as the patronage of the Government after the Revolution was looked at, when it was said, that though the country had got rid of the government by prerogative, they had not lost the government by influence. Indeed, his noble and learned friend (the Lord Chancellor) seemed at one time at a loss how to dispose of this patronage, and was inclined to vest it in parties to whom he (Lord Wynford) should, on principle, object to its being given, but at last his noble and learned friend decided on vesting it in the Crown. If the patronage were to exist at all, he did not object to its being so vested, at least he would prefer that mode of disposing of it to others which had been suggested; but he thought it was a fair ground of objection to a measure of this kind, not called for, as he contended, by any great necessity. But let their Lordships consider what would be the extent of the patronage thus accruing, supposing those Courts were to be spread over the country. There were to be some forty or fifty Judges at 2,000*l.* a-year, an equal number of registrars at 700*l.* a-year, besides a large number of clerks and other officers. This was an extent of patronage which, united with that already held by the Lord Chancellor, was a power vested in the hands of one individual which could not be contemplated with satisfaction by any man attached to our Constitution. At the same time he would say, what he had said on a former occasion, that he had no objection to try this Bill as an experiment, the operation of which was at first to be limited to two or three counties, but when his Motion in the Committee for making it necessary to apply to Parliament for a further extension of the measure was negatived, he felt himself bound to oppose the whole measure, for he could not consent to leave in the hands of the executive government the power of extending the provisions of the Bill all over the country. If the Bill were to pass in its present state, though avowedly as an experiment to be confined at first to two or three counties, but leaving to the executive the discretionary power of extending its operation, what security had they that in

three months there would not be appointed Judges, and registrars, and clerks, with the salaries he had mentioned, in every county in the kingdom? That was a power which he was not disposed to leave in the hands of any Ministers, however good might be their intentions (and he did not dispute those of the present Ministers with reference to this Bill); but, admitting the goodness of those intentions to the fullest extent which could be claimed, he did not think, that Ministers were the very best judges of the application of such patronage. Every man might express his indifference to patronage, but there were, he believed, few who would deny the advantage of possessing it. He himself was not aware of them in his own person, for he had never had any to dispense, but he knew, that men in general were not insensible to the advantages which resulted from it. Local Courts, however, had been tried of yore, but it was found then, and was ever found in modern times, that justice could not be administered in them. It was for that reason, that Judges in Eyre were appointed to bring justice nearly to the point that it was intended to be brought by the present measure. All the evils attendant on the appointment of these Local Courts would be obviated if the two or three clauses he proposed in Committee had been agreed to. A Bill with a somewhat similar aspect had formerly been introduced into the other House by the noble Lord, now the Chancellor of the Exchequer, and he was sure, that the machinery of that Bill, which was for the better recovery of small debts, was much less complicated, and would have been much less expensive in its operation, than the machinery of the present measure. On comparing the provisions of the Bill with those of the Act for establishing the Courts of Assistant-barristers in Ireland, he was persuaded, that the advantage was much greater from that Act than could be expected from this Bill. In Ireland the Assistant-barrister was not resident in the county; he generally resided in Dublin, and had the advantage of a constant attendance in the Courts there, and by that means a thorough acquaintance with their practice; but of this the Judges under the Bill before the House would be deprived by their residence in the counties in which their Courts were situated. There was, then, he contended, no necessity for such extensive machinery as was proposed by this Bill. The same results might be produced by a new modification of the Court of Quarter Sessions. If the proposition that had been made in the Committee, to assimilate the proceedings and fees in small actions to those in the Courts below had been assented to, the whole object would be gained, for then the public would have that which this Bill proposed—cheap and easy justice, and have it too from those Courts in which they had the greatest confidence, for it was idle to say, that the public had full confidence in those small Courts. These Local Courts, he repeated, had been tried; they existed in former periods, but fell into disuse. Local Courts existed still in all the great towns of the kingdom. They existed in the metropolis. There were in it the Lord Mayor's Court, the Sheriff's, and the Palace Courts, in which, actions under 20*l.* might be tried. Yet, though the gates of those Courts stood gaping wide, no suitors could be tempted to enter scarcely, as was proved by the fact, that 300 cases that might have been tried in those Courts, were carried to the superior Courts. They were found to be expensive—that was the chief reason; and he appealed to the noble and learned Lord, if, by his Bill, the expense of the inferior Courts on the subject of witnesses, would not be as great, if not greater, than they were at present in the other Courts. These Local Courts were not popular; the public in general had no confidence in their decisions, but the public would be satisfied with the superior Courts if they found, that their proceedings were carried on at a less expense. Let it be recollected also, with reference to the Courts at Westminster, that if law was dear in those Courts, it had the effect of deterring men from entering heedlessly into actions, and that, in this respect, it was sometimes a protection to the poor man, for few men would be disposed to go to the expense of an action against a poor man, when they knew, that in the result they could obtain nothing but the imprisonment of his body. Another objection which he had to this Bill was, that it was not the measure recommended by the Commissioners. They had never contemplated carrying actions for seduction and for libel, and actions of that kind, before these Courts. They confined themselves to a certain relief, which they thought might be afforded for the recovery of small debts. What sort of a bar would exist in these Courts? There was nothing so essential to the proper administration of justice as a good bar. Now, it was impossible, that in the Courts created by this

Bill you could have a good bar. The framers of the Bill saw that, and therefore determined to let attornies practise in them as barristers. There were not more respectable characters in the world than many attornies; but it ought not to be forgotten, that there were not worse characters than many of that profession. In these small Courts it required no witch to foretel with which class of attornies the local Judges would have to deal. He repeated, that if this experiment were fairly tried, and if Parliament had to decide upon its success instead of the Government, and if some clauses were added to protect the characters of those who sued and were sued in them, he should not oppose it; for he had always been of opinion, that for the recovery of small debts the remedy in the superior Courts was worse than the disease. He was ready to correct the abuses of the superior Courts, and to propose other Courts in aid of them; but he could not assent to the third reading of a Bill to the details of which there were so many objections as had been stated by his noble and learned friend the Lord Chief Baron. Neither could he assent to the principle of the Bill, as it confined the administration of justice to Judges living constantly in the midst of a society whose claims they had to try, and whose prejudices he thought they must contract.

The *Lord Chancellor* assured their Lordships, that he rose with great anxiety to address them, and that anxiety was occasioned by the vast importance of the subject, admitted to be important by all their Lordships who had spoken upon this Bill in its former stages, and universally felt to be so, though in different ways and from different motives. It was a question which had excited great interest within the walls of Parliament, and which had excited no less without; and he said this without having the slightest intention to have recourse to any one of those topics, of which his noble friend the Chief Baron had forbidden the use with so much anxiety on this occasion—a prohibition which, as far as he (the Lord Chancellor) was concerned, was entirely superfluous. The fact, however, of the paramount interest of the subject was sufficient to impress on his mind no ordinary anxiety, intrusted as he was with the success of this measure. In addressing himself to the arguments of his two noble and learned friends, he would occupy as short a space as the length of their speeches, and the respect due to their remarks would permit. He promised not to trespass upon their Lordships attention more than was necessary; and if he should exceed their patience, he trusted that their Lordships would impute it to the real cause—a sense of the importance of the subject. First, with regard to the remarks of his learned and noble friend who had just sat down, and to whom he should address but a few observations, not from any want of respect to his noble and learned friend, but because it appeared to him (the Lord Chancellor) that his noble friend laboured under such gross ignorance of the question from inattention to its details, and that he had so mistaken, not the principle of the Bill, not the provisions of the Bill, not the grounds on which the Bill rested, not the arguments by which the Bill was supported, but the documents which were to be found on the Table, the papers which he held in his hand, including among the rest his own Bill, that he could not impute the hallucination of his noble and learned friend, and the proportional errors which had arisen from his mistake of the premises, to any other cause, except to his having been deficient in that attention, that acute attention, which his noble and learned friend was in the habit of giving to all other matters which came before their Lordships. His noble and learned friend had said, that the county Courts—and he took this argument in the outset, as going at once to the root of the question—were not wanting in the country, but were to be found in almost every district of it. "Hardly a county or a city," said his noble friend, "is without them; but the fact is, they are not beneficial—the people do not like them. The doors of them gape for suitors, but they will not enter, and therefore no causes are tried within them." His noble and learned friend then proceeded to mention the Palace Court, the Sheriff's Court, the Lord Mayor's Court, and various other provincial Courts. Now, he (the Lord Chancellor) held in his hand a return from the Steward of the Palace Court, the deputy of his noble friend the High Steward, which showed, that in the year 1832, he had himself tried 921 causes. [Lord *Wynford*: Was not that the number of writs issued?] He was going to answer that very question. The number of writs was 7,189. So much for the observation that the Palace Court exists—that the process is cheap—that its doors yawn for suitors, but that no suitors can be persuaded to enter them.

Lord *Wynford*:—I said no such thing; I said, that there were not 300 causes tried there which could be tried in the superior courts.

The *Lord Chancellor*:—No! I beg my noble and learned friend's pardon. His statement was, that no suitors could be induced to enter these Local Courts, and that therefore Local Courts ought not to be encouraged. He did not exactly recollect the number of causes tried in the Sheriff's Court over which his learned friend Serjeant Heath presided, but he believed, that the number was stated in the Report of the Commissioners; but of that he believed his noble and learned friend knew nothing, for his noble and learned friend had shown himself quite impartial in his ignorance—that is, he knew as little of the appendix to the Report, as he did of the Report itself. Serjeant Heath, in giving an account of his jurisdiction, said, that 9,000 causes were tried in it in one year. He might also be permitted to inform his noble and learned friend, that in some of the provincial local and district courts 9,000 or 10,000 causes were tried within the year. He did not recollect the exact numbers for Manchester and Liverpool; but in one of them—he forgot which—10,000 causes, and in the other 20,000 causes, were disposed of annually, by a local jurisdiction. The Courts at those places were, however, Courts of the best kind; the Courts in other places might be of the worst. He had before stated, that those Courts, if they were ill-regulated, were held to be any-thing but an advantage by the people; but that those Courts, even when ill-regulated, were resorted to, was undeniable; and it was as true as it was undeniable that the evidence taken before the Commissioners, though it did not show the opinion of the witnesses as to the remedy to be applied to the evil, established the fact that the evil existed—that it was wide-spread—that it was deep-rooted—that it was sorely felt—and that even the badness of the jurisdiction did not prevent suitors from availing themselves of it on account of its proximity and cheapness. Whatever other disadvantages might attach to these Courts, they had this advantage at least—they were near and cheap, and therefore the oppressed suitor gladly resorted to them. Another instance of the marked inattention with which his noble and learned friend had treated this Bill astonished him still more. His noble and learned friend had said that this Bill had not been recommended by the Commissioners. Now, it had been referred to their consideration in consequence of the recommendation of his noble and learned friend the Chief Baron. It had been postponed in order that it might undergo investigation by them. They had investigated its principles and its details, and in the course of their investigation had amassed a collection of evidence which was now before their Lordships. After that investigation they came to a conclusion. Was that conclusion favourable to his Bill or not, was at that moment the question. He said, that it was favourable and nothing but favourable, to the principle of his Bill; and that his Bill, altered as it now was from its original form, was, in all its essential principles and details, the Bill in favour of which the Commissioners had reported. "But," said his noble and learned friend, "that is all a mistake; you have not the authority of the Commissioners on your side. You have gone further than they recommended. They have not gone your length. Your Bill is not their Bill." Upon that point his noble and learned friend and himself were at issue, and the trial was now before their Lordships. The evidence was the Report which was at that moment in their Lordships' hands. That Report proved, that he was correct, and that his noble and learned friend, innocently enough—for he had either not attended to the Report, when he read it, or, if he had read it, he had forgotten its contents—had misstated, and that grossly, the opinions of the Commissioners, and had stated them to be exactly the reverse of what they were. "They only recommended," said his noble and learned friend, "that actions of debt should be tried by these Local Courts. They said, that they were only to be small debt Courts, and I have reason to know that the Commissioners do not approve of the Bill as extended by the Chancellor." Now, he (the Lord Chancellor) held in his hand a record of the Report, which he again repeated that his noble and learned friend had read as inaccurately as he had read the appendix. The language of the Report was as follows:—"It appears to us that the jurisdiction of the Local Courts should extend to all personal actions where the demand does not exceed 20*l.*, except cases in which any right or title to freehold or copyhold, or to tithe, toll, fair, market, or any other franchise, or any title under commission of bankruptcy, is in question." These were the exceptions in his Bill;

to everything excepted in them his proviso extended, and he had not deviated from them by the diameter of a single hair. He had confined the jurisdiction of these Courts to personal actions in tort as well as in contract. If his noble and learned friend wanted to refresh his recollection of the Report—if, indeed, his noble friend had ever read it—he had the Report ready for his noble friend's inspection. He supposed, that a king's serjeant and four other gentlemen of high character in their profession could not doubt that actions in tort as well as actions in contract were personal actions. But if his noble and learned friend had any doubt on that point, let him look at page 24, where he would find the notice of plaint prescribed to be used in all actions of trespass to the person in the Local Courts, of which the Commissioners had recommended the erection, and had extended the jurisdiction to all cases of tort. "But," said his noble and learned friend "actions of trespass and assault the Commissioners allow you to try, but they do not allow you to try actions of tort in which injury is done to character." Now, let his noble and learned friend end his doubts on this subject by passing quickly over the three next pages of the Report to page 27, and there he would find for a defendant in slander a plea of justification, that the words spoken were true. Need he go further to elucidate the ignorance of his noble and learned friend upon the question which he had thus incautiously ventured to discuss? Need he show further, that he had, in favour of this Bill the authority of the Commissioners, which he valued much, which he prised highly, and which he would not permit to be wrested from him, because of their high professional character, their great abilities, their long standing and experience in the pursuit of the law as a profession, and because they were the last men in the world to let their opinions on a question of Law Reform be biassed either to the right or to the left even by an inclination of their political opinions? Political opinion! Both his noble and learned friends knew well enough that, if the political bias of those learned persons had interfered at all it would not have been in favour of any plan of sweeping Reform. No man who had the honour of knowing the Commissioners would attribute to them any such unworthy motives [Lord *Lyndhurst* had not imputed any such motives to the Commissioners.] He had not said that his noble and learned friend had imputed such motives to them, but his noble and learned friend must forgive him for alluding to such an imputation, especially as his noble and learned friend was not the only party to this discussion. He was also a party to it He was put upon his defence by his noble and learned friend (Lord Lyndhurst) in the first instance, and by his other noble and learned friend (Lord Wynford) in the second, who had shown a degree of knowledge and accuracy and correct attention, which explained the reason why he had been so eager to enter second into this affray. He was put, he repeated, upon his defence by his two noble and learned friends, and in his defence he had a right to avail himself of the authority of the Commissioners. His noble and learned friend the Chief Baron took credit for not having attacked those Commissioners, but he could not give his noble and learned friend credit on that score, as the Commissioners were placed far above even his attacks. In addition to their talents and professional learning, he had much pleasure in stating, that they were above exception on the score of political bias—for if they had any bias, it was as he had before said, against sweeping Reforms; and if they had any political opinions—and in these stirring times who had not — they were wedded—some of them more and some of them less—to the opinions of his noble and learned friends, and not to his opinions or to those of the Government. There was one of them, he believed, who agreed with him in politics, but the rest differed from him widely, especially his hon. and learned friend the member for Huntingdon (Mr. Frederick Pollock), who was at the head of the Commission, and who deservedly held a very high place in the other House of Parliament. No wonder, then, that he should be jealous not to have wrested from him the staff which the Commissioners had placed in his hands. The fact was, that he had stopped short of, instead of going beyond, the recommendation of the Commissioners. They had recommended one kind of action, to which he had not thought it right to extend the jurisdiction of these Courts—he meant to cases of ejectment between landlord and tenant, where the annual value of the premises did not exceed 20*l.*, and the tenant was alleged to hold over. They had also recommended that the jurisdiction should extend to the recovery of pecuniary legacies where

the estate was of small amount. Both these recommendations were to be found in the 19th folio of the Report. His defence, then, was complete, that he had stopped short of the recommendation of the Commissioners. But no marvel that his noble and learned friend had so short a memory as to the contents of records drawn up by other people, when he had treated his own Bill of last Session with the same inaccuracy. Their Lordships would recollect—for they had cheered loudly when his noble and learned friend mentioned the circumstance—that his noble and learned friend had taunted the Chancellor of Ireland with gross inconsistency in supporting this Bill, which sanctioned the examination of the parties, when he had opposed a bill with a similar clause of which the noble and learned Lord was himself the author. And why had the Irish Chancellor opposed that Bill? Because it affected the title to freehold property. "No," said his noble and learned friend, "that was not the case with my measure of the present Session." Now, the very first clause of that Bill was, that any plaintiff should have a right to examine the party in "any action," and afterwards there was another clause, enabling the Judge to order judgment to be signed for such lands and hereditaments as should by affidavits be proved to be unjustly withheld. Now, he (the Lord Chancellor) had supported the second reading of his noble and learned friend's Bill, and had even assented to its going into Committee. His language had been this—"Let it go into the Committee; I do not think it will be made good there, but do not strangle the poor bantling at its birth. Let it breathe a little while, and let us see whether it is worth educating." But no, his noble and learned friend, the Chief Baron had called it an abortion, had treated it as a mere embryo, and had prevailed upon their Lordships to fling it out. He (the Lord Chancellor) had stated at the time, that the proposal of trying the title to land by affidavits, and of taking land from a man without *viva voce* evidence, was sufficient to stagger him a little. [Lord *Wynford:* That was no proposition of mine.] He would suggest to his noble and learned friend the propriety of looking at his Bill again before he ventured upon giving an explanation of it, else he would get further into error, and flounder on from one blunder to another. Leaving his noble and learned friend for the present, he would now remind their Lordships of the remarks which had been made by his other noble and learned friend, and also by the noble Baron at the table, who, very much to his surprise, had made the Motion that this Bill be read this day six months. Two great objections—and the two most relied on by all the noble Lords who had taken part in the debate—rested on the local residence of the Judges in ordinary, and on the expense of the system as connected with patronage. These objections had also formed a large proportion of all that had been said on the other parts of this question. He was in the recollection of their Lordships whether he had ever done otherwise than confess, that there were many reasons why he should prefer, if it were possible, that the Judge in ordinary should not reside in his district, if it were a narrow one. That consideration would prevent him from trying this Bill as an experiment anywhere, except in a populous district. This difficulty, which he had never concealed, was felt also by the Commissioners, but they, after considering it, came to the same conclusion with himself, not binding themselves to the contrary conclusion drawn by persons who thought that individuals residing in the country should not try actions of tort brought by and against individuals of their own vicinity. They felt the difficulty, but they said, "On a balance of inconveniences, the advantage of having a local judicature, where justice can be brought to men's doors at all seasons, and where their complaints and their defences can be promptly and cheaply heard, counterbalances the evils of a continued residence in the country, and therefore we unhesitatingly report in favour of this provision of the Bill." A balance of evils and a choice of difficulties were incident to the present as well as to every other measure of legislation, and he only wished that he could see the measure in which men did not from the inevitable lot of human infirmity expose themselves to some counterbalancing disadvantage. The question being which path was least beset with danger and with difficulty, he trusted that their Lordships, when they had sifted the arguments and the facts, would find them operate in favour of his conclusions. "But," said his learned friend, the Chief Baron, "the Assistant Barristers in Ireland are not locally resident in their counties, but reside in Dublin, and practise in the four Courts." It might be true that the Assistant Barrister was not a local

resident, but then he always went to the same county, and, except in case of promotion, went it for life. He went it six times in the year, besides going to the ordinary Sessions. The Assistant Barrister's visits to his county would be as frequent as those of the Judge in ordinary to any part of his district, save that town which was his head-quarters, and which, in all probability, would be the metropolis of the district. The objection which his noble and learned friend, the Chief Baron, had raked up out of the debates on the Welsh judicature was important in another point of view. First of all, he must remind his noble and learned friend of the principle in which all the alteration in the system of Welsh judicature was made. He admitted, that much was said respecting their always going the same circuit, but that was not the only, much less the principal argument for changing the Welsh judicature. His noble and learned friend must recollect how much stress had been laid on two other particulars by the authors, as well as the advisers, of the change. One was, that the Welsh Judges were practising barristers—that they one day acted as counsel, and the next sat as Judges in the same cause. They could not tell when their opinion was asked upon an anonymous case, as between A and B, whether it might not be a trap to get extra-judicially the very opinion which they might afterwards be called upon to deliver judicially. That circumstance, and the impolicy of allowing a man to practise as counsel in Westminster-hall one day, and to sit upon the Bench the next, was one of the main reasons for impeaching the system of Welsh judicature. Another reason was, that those judicial offices were considered political patronage, because the Welsh Judges were entitled to sit and vote in Parliament. When noble Lords talked as if it was so clear and certain, that no resident local judicature could be an impartial judicature, let him ask them which of these two classes of judicial tribunals required the greater impartiality, and the more complete removal of the members above the sphere of the parties and their petty disputes and prejudices—that which decided actions of debt where the cause of action did not exceed 20*l.*, and actions of tort and slander, where the damages in the declaration did not exceed 50*l.*; or that which exercised those most important functions which were exercised by the magistracy of counties, by justices of peace, whether acting singly in their own mansion-houses, and despatching matters of no slight importance, or acting by pairs, or threes, or fours, at petty Sessions, and disposing of matters still more important; or acting at quarter Sessions on all but matters of the highest importance, on matters of party and political feuds, which made men enemies to each other, bitter in proportion to their vicinity, and trying men for felonies punishable by transportation for life? And yet this tribunal, by the practice of the law of England, was that part of our judicial system against which no man, who had any regard to his character or station, would venture, in any assembly, much less in that assembly, to breathe a suspicion, so general was the idea of its perfect purity and its appropriate fitness to perform all functions which the law had invested it with. Those justices were locally resident Magistrates; they exercised a jurisdiction daily in their own parlours and studies. Out of that jurisdiction, be their county large or small, be it as extensive as Yorkshire or as confined as a Welsh county—out of that jurisdiction they had no power; yet, within it, among their neighbours, their friends, their tenantry, among those with whom they might, in friendship or in enmity, or in a dubious state of neutrality—among and over all those with whom they might be committed by differences on county politics, or the still more bitter hostility of parochial feuds, they were authorized to administer justice; and nevertheless they had never been impeached, at least in that House, for partiality in administering it, because they administered it under two strong and efficient safeguards—the Court of King's Bench, the powers of which were rarely called in to exercise, because the misconduct of the magistracy was rare, but which might be appealed to if need arose; and public opinion, which was the best safeguard of all, as they exercised all their authority in the eyes and before the face of the community. For himself, he had no anxiety on either of the points adverted to by his noble and learned friend, the Lord Chief Baron. He neither apprehended that improper appointments would be made, nor did he think it probable, that the persons receiving the appointments would abuse the important trusts delegated to them. What Minister, who was responsible for those appointments to Parliament—what Minister over whom the eyes of the public were, he would not say glaring, but absolutely frowning, merely because he was Minister—what Minister

with the eyes of the public so upon him, would be insane enough to job away judicial places? What man would be so regardless of his own personal honour, of the voice of his country, of the censure of Parliament—what man would be so regardless, not merely of his official existence, but of his personal safety (for safety from impeachment he could not warrant), as to appoint an improper person to a judicial office to serve a friend, or to promote a political purpose? But was there no watch over, no check upon, the Local Judge so appointed? He put that question frankly to his noble and learned friend, the Lord Chief Baron. Was there any town in which these Judges were likely to reside in which there were not one or two newspapers? He heard noble Lords laughing at the mention of a newspaper; but he would tell those noble Lords, that though he had never seen a judge who did not, like their Lord ships, laugh at the mention of a newspaper, yet he had never known one of them who was not very cautious of exposing himself, through the medium of a newspaper, to the animadversions of the public, by even a hasty or intemperate expression. He believed, that it would be impossible for a local judge, so long as there was a vigilant and able press watching all his proceedings, to commit himself so far as to do any wrong, show any partiality, mix himself up in any local disputes, give way to local prejudices, exhibit haste or ill temper, or be guilty of any of those corruptions, which, in former times, aye, not even 200 years back, stained the purity of the ermine. He treated it as a vague and groundless apprehension, that they would be led away by unworthy motives, or that they would abandon their duty, either from local partialities or from excited party feelings. He had already explained to their Lordships, that there was a necessity, that the judge should reside on the spot, in order that justice should be at once cheap, prompt, and accessible. It was desirable that their Lordships should come to a right understanding upon this point, for hitherto there had been no devices in any of the bills presented to Parliament, in which any substitute could be found which avoided the evils while it provided the advantages, derived from this local judge. In Lord Althorp's Bill, and in Sir Robert Peel's Bill, which was only an Amendment of Lord Althorp's Bill, there was a local Judge, with this difference, that he was not to be appointed by the Crown, but by the Sheriff. All these measures were attended with two difficulties: one of them was, that the Judge would be on the spot. But then it ought to be recollected, that he would be respectable from his station, from his rank at the bar, from his rank on the bench. He would be removed from those associations which were likely to break in upon his respectability; he would have no temptation, and no time to meddle with party politics; he would be frequently away from his head-quarters in the districts, on visits to the less important parts of it; and, taking it for granted, that it would be in a populous district, that this Bill would be tried as an experiment, he thought that the difficulty was over-rated, and ought not to be put in competition with the advantage of obtaining cheap and speedy justice. The other difficulty connected with this question was the patronage, on which he would now say a word or two. The noble Baron at the table (Lord Wharncliffe) who began the debate, had surprised him not a little by his unsparing opposition to this measure. If the noble Baron had only opposed the details of it, he should have been less surprised, and should have reminded the noble Baron that he ought to have attended on the Committee to amend them; but, when he recollected that the noble Baron had expressed no objection to the principle of the measure on the second reading, and, that he had attended the Committee, and had proposed certain clauses as amendments, he was surprised that, after a short wavering as to the second reading, the noble Baron should come out of the Committee with no wavering at all, but with a decided spirit of hostility, not only to this measure, but to every measure of the kind. The argument of the noble Baron was as good against all bills for the recovery of small debts, for supplying the people with a means of obtaining speedy and cheap justice, as it was against this Bill. The degradation of the bar,—the perpetually going the same circuit,—the local residence of the Judge,—his liability to share in all the feuds and party differences of the county,—the increased patronage of the Crown,—these were all radical blemishes of universal occurrence, applying to all measures of this kind. He was exceedingly mortified at the opposition he had received from the noble Baron, for his authority was most important, when it was recollected how long and how ably the noble Baron had been engaged in the administration of justice. But where had the eminent character of the noble Baron been formed?

He would not say, ask the gentlemen of the northern circuit, but ask any barrister in Westminster Hall, who had the highest reputation for skill, and talent, and ability, and purity in the administration of justice in the Local Courts of the country, and they would point with one accord to his noble friend—for so he trusted he might call him—the chairman of the sessions in the West Riding of Yorkshire. That any personal feeling ever crossed his noble friend's mind—that any antipathy to his neighbour ever interfered with the performance of his duty—that any knowledge of the parties, their barristers, attornies, or circumstances, ever intervened to cast even the shadow of a shade over the bright path of his career, was as monstrous a supposition as that he would ever be tried at his own bar by his fellow justices; and yet his noble friend, with all this pure and unsullied reputation, acquired in that capacity, must permit him to say, and to remind his two noble and learned friends, who had not been local Judges, but in whom freedom from all political bias was not more undeniable than it was in his noble friend—that his noble friend had been, and was, a local Judge,—in all respects a local Judge, and nothing but a local Judge. That he had been member for the county of York, after a contest or two,—that he had lived in that county, and in that district of that county, the West Riding, which had been the scene of his judicial triumphs,—that he was known to entertain (like his two noble and learned friends, not local Judges) strong political feelings; and that he was as capable of personal affection, and, he must also add, of personal animosity, as any member of that bench of which he was so distinguished an ornament. Let him be talked to now of the impossibility of combining the purity of administering justice with a local resident magistracy. He had answered the allegation out of the mouth of him who had advanced it, by appealing to his long and useful judicial career. He wished to make no invidious comparisons, but he would repeat of his noble friend, who so highly valued the purity of general as contrasted with local Judges,—that that man at the table (Lord Wharncliffe) as a Judge,—a local Judge be it remembered,—was as free from bias,—but no freer,—as either of his noble and learned friends, though they had never been charged with any crime, nor sympathised with for the misfortune of being local Judges, administering justice where they resided. He next came to the question of patronage; and, he would here say, that he did not much thank his noble and learned friends for having exempted him from the charge of creating patronage for himself. That charge they could not bring against him, and, therefore, could not withhold from him the credit which they had pretended to give him,—for he had framed this Bill for their benefit, and not for his own, when he introduced it in April, 1830, into the House of Commons. No one ever dreamt that this patronage would amount to 150,000*l.* Besides, if it had amounted to such a sum, it would have been for the benefit of his noble friend, the Lord Chief Baron, who was then on the woolsack. He could not feel such gratitude as he might otherwise have felt for their allowing him the credit, which they had given him certainly, but he must say with rather a stingy hand. After that scanty and compulsory tribute, however, there came a cloud of sneers. They knew the subject to be dull, they knew the party to be attacked were Ministers, and the latter knowledge furnished the motive for enlivening the discussion with a few taunts, which they thought the former knowledge justified. He did not complain of that, but he did complain of their constant practice of misstating facts. Fancy was good to enliven facts, but though to be amusing it might be necessary to draw a little upon imagination, it did not follow that it was right to get rid of facts, and the semblance of facts altogether, and soar into the highest regions of pure fiction. Unfortunately for him all the mistakes of his noble friend—all the fictions in which his noble friend had indulged—were favourable to his noble friend's views and injurious to those which he had sought to recommend to their Lordships. They all aided the point of his noble friend's sarcasm, and took away the shield by which he might be protected. Why did his noble friend say,—what right had his noble friend to say,—that there were to be four local judges for the West Riding of Yorkshire? True, it was proposed to divide the West Riding of Yorkshire into two districts, but then there was to be only one judge for each district; and thus, from over indulging his fancy, his noble and learned friend the Chief Baron had got into as gross an inaccuracy as would have done honour even to the late Chief Justice of the Common Pleas himself.

Lord *Wynford:* I have submitted to this for a long time, but I will not be held up to ridicule in this way any longer. [*Cries of "Order."*]

The *Lord Chancellor:* My noble and learned friend, the late Chief Justice, is most disorderly certainly, but I do not complain of it. When I spoke of his inaccuracy and forgetfulness, I merely meant that he had forgotten, or perhaps had never read, though I have no doubt he thought he had, the contents of the Report. Therefore it was, that I spoke of him as misstating the recommendation of the Commissioners. I was not holding up to ridicule my noble and learned friend, the late Chief Justice. It was no holding up of mine; and I hope my noble friend will remember what Dean Swift said of persons who were laughed at—

Lord *Wynford:* I will bear this no longer. [*Cries of "Order."*] I rise, my Lords to order. The noble Lord has attacked me by name, and I therefore move that the fifteenth of your Lordships' Standing Orders be read, and I will then ask your Lordships if the individual who is charged with the preservation of order in this House, should be himself the first to break it.

The clerk read the fifteenth Standing Order, as follows:—'To prevent misunderstanding, and for avoiding of offensive speeches, when matters are debating, either in the House or at Committees, it is for honour sake thought fit, and so ordered, that all personal, sharp, or taxing speeches be forborne; and whosoever answereth another man's speech, shall apply his answer to the matter without wrong to the person: and as nothing offensive is to be spoken, so nothing is to be ill taken, if the party that speaks it shall presently make a fair exposition, or clear denial of the words that might bear any ill construction; and if any offence be given in that kind, as the House itself will be very sensible thereof, so it will sharply censure the offender, and give the party offended a fit reparation, and a full satisfaction.'

The *Lord Chancellor* would confine himself, as far as modern usages would permit (for modern practice had somewhat modified it), to this order, and would avoid most carefully the example set by the other side, of making offensive, sharp, and taxing speeches. He trusted, that while he complied with one of the exigencies of the order, his noble and learned friend would comply with the other exigency, namely, that as "nothing offensive is to be spoken, so nothing is to be ill-taken." He could assure his noble and learned friend that he meant him no offence. If his noble and learned friend supposed that he meant anything offensive by charging him with gross inaccuracy—[Lord *Wynford:* You said inaccuracy that would have done honour to the late Chief Justice of the Common Pleas.] All that he meant by it was, that his noble friend had not considered the subject. He had been himself interrupted in replying to a sharp and taxing speech of his noble and learned friend, the Chief Baron. He had taken no offence at that speech, and was just in as much charity with his noble and learned friend as he was before his noble and learned friend made his very able and ingenious, but, he must say, not very fair nor conclusive speech. He repeated, he did not think it fair that his noble and learned friend should just double the number of Judges for the West Riding of Yorkshire. It was as unfair to state the amount of patronage at 150,000*l.* upon the authority of an answer which he (the Lord Chancellor) had given to a question asked him in the Committee as to the number of these Judges, and the amount of their salaries. He had said, that the salary must depend upon the House of Commons, but that he thought that it ought not to be less than 1,500*l.* a-year. Some of the noble Lords on the Opposition benches had prompted his noble and learned friend to say 2,000*l.* a-year; but all that he (the Lord Chancellor) had said was, that he thought that the salary of the Judges in ordinary should not be less than 1,500*l.*, or more than 2,000*l.* a-year He had also to complain of what his noble and learned friend the Chief Baron had said, and, after him, his other noble and learned friend, as to the expense which the machinery of this Bill would require. His noble and learned friends — the one re-echoing the misrepresentation of the other —had both said, that the Bill would cost 150,000*l.* a-year. Where did they get this estimate? Not from the Commissioners — not from him (the Lord Chancellor) — not from any authentic document; no, but from their own fancy, their own invention. And yet his noble and learned friends had propounded their scale of expense as though it had been a thing certain, and not possible to be disputed; and their Lordships had been good enough to cheer this part of the

learned Chief Baron's speech with great heartiness. He had stated, over and over again, that the expense would not be more than 60,000*l.* or 70,000*l.* a-year, probably not quite so small a sum as the first, nor so large a sum as the latter. This sum—a sum between 60,000*l.* and 70,000*l.*, was, he admitted, a very large sum; but even the noble Lords who cheered his noble and learned friend so loudly must also admit, on their part, that it was not so large a sum as 150,000*l.* a-year. Those who heard only the speech of his noble and learned friend, the Chief Baron, would never have supposed that there had been an actual statement upon the authority of the authors and advisers of the measure, that the cost of putting it into full operation would not amount to half the sum mentioned by his noble and learned friend. These were matters which evidently had some weight with their Lordships when they heard the speech of the noble and learned Chief Baron; and, had perhaps, sunk deep into their minds, requiring an effort—an effort, however, which he had a right to expect, in justice to the measure, their Lordships would make — before they could get rid of the impression. On this part of the subject his noble and learned friend had suppressed one important fact while he had invented another. His noble and learned friend had omitted to state, that this expense would not fall upon the country. He had always been of opinion that the country, not the suitors, ought to defray the charges of the administration of justice; he thought this a sound principle, but the circumstances of the country rendered a deviation from it inevitable in this case and at this time; and he had invariably said, and he repeated now (he said it in the House of Commons, and he had said it in that House), that the expense of the machinery of this measure would be defrayed otherwise—would be defrayed without imposing any additional charge upon the public purse. It appeared by a return recently made, that in the Local Courts of Scotland there were annually tried 22,000 causes, for sums which would come within the jurisdiction of the Courts proposed to be established by this Bill. Supposing the number of actions for debts not exceeding 5*l.* to bear in England the same proportion to the whole number of actions for debts of all amounts, as in Scotland, the number of these actions would amount to 130,000. That was sufficient to show with how much ease, and with how small a cost to each individual suitor, a sufficient fund might be raised by fees, to defray all the charges incurred by the Bill. If left to his own judgment upon the subject, he should certainly object to this mode of payment, on principle; but he had repeated, over and over again, that the House of Commons would most probably resort to it. So much for the expense which the imagination of his noble and learned friend had so magnified—so much for his noble and learned friend's care and generosity in desiring to relieve the public from a charge which he never once had proposed to put upon the public. He would now pass on to what his noble and learned friend had said touching the patronage which this Bill would confer. His noble and learned friend, with his usual candour and smartness, had attributed to him no less than five years of meditation as to where this patronage should be vested, and had said, that all this meditation had ended in the conviction, that he (the Lord Chancellor) was the fittest person to be intrusted with it. This sneer of his noble and learned friend was received with great cheering by noble Lords near him, even on its repetition, while in its originality it was hailed actually with a shout of delight as clamorous as it was irrepressible. Now he should be sorry to disturb the pleasure which noble Lords must naturally take in the recollection of what had thrown them into such ecstacies when it first fell like music on their ears; but he must nevertheless take the liberty to remind them that he had stated distinctly in the Committee, and most of their Lordships had probably heard him make the same statement on many other occasions, that long before he came into office he had arrived at the conviction, after much consideration, and with great reluctance, that this patronage could only be properly vested in the responsible advisers of the Crown. He stated, that in discussing the subject as far back as the year 1826, when Lord Althorp's and Sir Robert Peel's Bills were before the other House of Parliament, that he was one of those who felt the strongest repugnance to the increase of

the patronage—not of this or that Minister, but the patronage of the Crown; and he had said at that time that others, as well as himself, had suggested various expedients in order to avoid the necessity of giving rise to an increase of that patronage. Some, he had said, talked of giving it to the Lord Lieutenant of the county—some of giving it to the Judges of Westminster Hall—some of giving it to the Justices of Sessions—some of giving it to the Sheriff—some of giving it to two consecutive Sheriffs serving for two consecutive years—all these various plans, he had said, had been once and again proposed, and all had been rejected because, upon investigation, every one of them was found to be open to the strongest objection. He had added that, therefore, as a matter of necessity—as a matter of unavoidable and inevitable necessity—it became utterly out of the question to think of intrusting to any other hands than the Executive Government and its responsible advisers the execution of this power. To this conclusion he was necessarily driven, by the impossibility of placing it elsewhere. But then it was said, if this inevitable necessity existed, it was an objection, an insurmountable objection, to the present measure. Why, if it were an objection to this measure, it was an objection to all measures of this nature, because without these Judges it was not possible to have cheap justice, and without patronage it was not possible to have these Judges; the patronage must be vested in some hands or other; and, consequently, if the objection was to prevail against this Bill, it must prevail against every Bill that could by possibility be devised by man, for securing to the King's subjects the blessings of the administration of justice at a cheap, instead of an extravagant rate. It was said, that the Great Seal ought not to have this patronage, because it had too much already. His noble friend at the Table was pleased to say, that the patronage which the Great Seal had given up was in effect nothing, and that the patronage given by this Bill, added to the patronage it already possessed was infinitely more objectionable than any power which could be bestowed upon it. His noble and learned friend said, "What signified Commissioners of Bankruptcy? who cares for a Commissionership of Bankruptcy? who has ever looked for, who has ever sought after, such appointments as these?" That observation argued a happy ignorance on the part of his noble and learned friend of this circumstance — of the daily, the nightly, the hourly persecution which he suffered who had the giving away places of that description. Commissionerships of Bankruptcy not pursued, not looked after, nor run after! If his noble and learned friend had held the Great Seal for twenty-four hours, his doors would have been darkened, his couch would have been disturbed, his meals would have been interrupted, his solitude would have been broken in upon, with applications for much less valuable places than the late Commissionerships of Bankruptcy; seventy places—seventy places, my Lords, in the absolute and uncontrolled gift of the Lord Chancellor; each of those places averaging somewhat between 400*l.* and 500*l.* a-year; each of those places compatible with professional practice; each of those places not only compatible with professional practice, but leading to professional advancement; and therefore pursued by men entering into the profession, and even by men who had been some time in the profession, as the most desirable acquisition which that profession could offer; and all these places to be given, not to distinguished individuals, with respect to the choice among whom the Chancellor was watched by the public, and watched by the profession. Could the Chancellor appoint an unfit Judge? He might not take the most efficient man, and within certain limits a license would be allowed; but that he could take a man who was unfit for the office—a man whom numbers would cry out against—that he could choose a man from private affection, from personal attachment, in breach of his public duty—that the Chancellor could put on the Bench one who was unfit to try prisoners, and to try causes in this country—was as impossible, as that a Judge should sit on the Bench and try his own cause or suit,—a case which in these days was not only impossible, but never entered into the imagination of man. But the patronage of appointing to office such as he had referred to, which were comparatively of little value; which had no responsible duties of a public nature annexed to them; with reference to which there was no jealousy on the

part of the people; such patronage was as absolute, as irrevocable, as the giving away of an exciseman's place. No Chancellor ever yet was accused of appointing an unfit Commissioner of Bankrupts, though it was in vain to deny, that every Chancellor must have appointed Commissioners not fit to manage the duties of their office. That was, therefore, a great and important branch of patronage —of patronage properly and strictly speaking, which was entirely lopped off from the Minister of the Crown who happened to hold the Great Seal. He persuaded himself that he then had given proof that he at least did not grasp at patronage, and that to him official power meant something more than the mere receiving and dispensing of official emolument. It was well known to not a few that it was contrary to his wishes or intentions that there were ten bankruptcy judges appointed under the new bankruptcy jurisdiction—that he had maintained that seven at most would be fully adequate to its functions. Practical men were, however, unanimous that a larger number was requisite; and he took the lowest number, ten — many contending that twelve or fifteen would be required. Then one of the same judgeships had since become vacant, and though eight months had elapsed, the vacancy had not been, and would not be filled up, so anxious was he to seize hold of every occasion to exercise the patronage and influence of his office. How greatly he had been misrepresented in reference to the patronage which the present Bill would confer on him, it would not be easy to estimate. His learned friend, for example, had asserted that he would have the appointment of fifty Local Judges at one slap, together with registrars and official assignees, though he had distinctly stated on a former occasion that there would be but twenty-five altogether; and that, as to the official assignees, it would be only in some ten or twelve of the larger towns, such as Liverpool, Manchester, Exeter, &c., that the office of Official Assignee would be worth holding. A word as to the appointment of the Official Assignees under the Bankruptcy Bill, which had been thrown in his teeth that evening as another instance of his love of patronage. He chose eighteen persons out of a list of thirty. How was that list of thirty formed? He begged the House to recollect the circumstances. He had not less than from 1,100 to 1,200 candidates for these eighteen Official Assigneeships—many of them strongly recommended by friends and supporters, private, professional, and parliamentary; others with testimonials from some of the first merchants in the city; and this, too, though he had long before resolved and openly declared that he would not name a single person for the office—that he would exercise no influence, directly or indirectly, in framing the list of assignees, and that he should leave the whole matter to a Committee (to but one or two of whom he was personally known) consisting of persons, some official —such as the Governor or Deputy Governor of the Bank of England—or some of the leading merchants of London, and two of the Judges. Well, these gentlemen selected thirty persons as fit for the office, and all that he did was, to select the first eighteen, and this was the "head and front" of all his patronage-offending on that score. But then, said his learned friend, there was much other patronage annexed to the great Seal—there was the great patronage connected with the appointment of the magistracy. Of all men his learned friend was the last man from whom he could have expected so—he would say—absurd an insinuation. His learned friend had himself held the great Seal for upwards of three years, and could not but know that the jurisdiction of the Lord Chancellor, in reference to the appointment or removal of magistrates, was very little more than a formal sanction of the acts of the Lord-lieutenant, in whom the appointment to the magistracy practically lay. The cases in which the Lord Chancellor interfered with the Lord-lieutenant were extremely rare, and were limited to the appointment of such gentlemen as he, as Lord Chancellor, might think entitled to be raised to the magistracy, and whose claims it appeared to him had been overlooked. Even in these cases he, in conjunction with the Home-office, first applied to the Lord-lieutenant to show cause why such and such persons had not been recommended by him as fit persons for the magistracy, and it was only in very few rare instances that, on the Lord-lieutenant failing to show cause for overlooking the individuals that he the (Lord Chancellor) did place on the com-

mission, the gentlemen whom the Lord-lieutenant had neglected. But was this patronage? Was it not his bounden duty, and, as his learned friend well knew from his official exercise of the functions of the Great Seal for three years, that he should have neglected his duty had he acted otherwise? The knowledge of this fact, however, had not prevented his learned friend, for the purpose of inflaming the account of patronage against him, from prominently putting it forward, and in a tone not of judicial, but he would say of extra-judicial solemnity, dwelling on what he called the enormous amount of magisterial patronage annexed to the office of Lord Chancellor, as if there was something mysteriously awful in the charge. He owned that, coming from his noble and learned friend who had been himself Lord Chancellor, such an unfounded insinuation astonished him. With respect to the appointment of Judges, he need only remind his learned friend, that but one vacancy had occurred since his accession to office, and that in the filling up of that vacancy the choice was strictly limited to one of three persons. No matter whether they were enemies or supporters of the Government, whether they were his personal friends or his foes; the whole range of his patronage was tied down to those three persons, and, in choosing one, surely it could not be said he had abused his privilege. His learned friend had earnestly disclaimed being actuated by party motives, and had taken elaborate pains to appear in his most impartial, and, he might say, most judgment-seat aspect. He had told them, that he wished to be understood as addressing them in his parliamentary capacity only; that he had risen early in the debate, because, being a judge, he thought it right that he should take no part in the contentious portions of the discussion, and that, by confining himself to a calm statement of his opinions, by sailing, as it were, in the smooth waters of the debate, it would be clearly seen, that he was not actuated by the spirit of party. He was ready to believe, that his learned and noble friend sincerely intended to act up to his professions, though never did the matter of the charge less correspond with the preface. Though his learned friend's professions were thus elaborately solemn and calm at the outset, this speech was, as their Lordships well knew, that of a warm, and active, and powerful partisan against the Bill. No artifice—no resource which his ingenuity and skill in debate could supply was left untried by him, and so far from his delivering a judgment with the calmness of retirement in his study—or with the impartiality of that most sacred function which he exercised as a Judge of the land, his noble and learned friend had not stopped to take advantage of the widest range of partisan tactics, so as to inflame their Lordships against the present Bill—such as quoting long paragraphs from anonymous books, with an insinuation, that he (the Lord Chancellor) must have read them, if not actually written them—taunting him with being greedy of patronage and the sordid emoluments of office; in fact, stopping at no lengths which the freedom of debate permitted to carry his purpose, namely, under the disguise of specious motives, under cover of an elaborate disclaiming of mixing up the judicial with his legislative capacity, and of approaching the subject at all in the respect of party—of damaging or throwing out the present measure. All this his learned friend did as effectively, notwithstanding his disclaimer, in the spirit of party, as when, some year and a half ago, he avowedly attacked another judicial reform measure, not in his judicial, but his parliamentary capacity. His noble and learned friend was completely at fault in insinuating that he had read, not to talk of written, the article referred to by him touching the efficiency of assistant barristers in Ireland. He was not competent to speak on the subject, further than that he could well conceive how the circumstances of Ireland (the intemperate party feeling which there pervaded all the relations of society) might render it highly inexpedient for a Judge to be a local resident, while no such objection could obtain in the different circumstances in this country. With respect to the great objection of his learned friend of the tendency of the Bill to interfere with the certainty of the decisions of the law on which so much of its usefulness depended, all he need observe was, that the Bill furnished precisely the same machinery for insuring a certainty, and one-ness of legal decision, as was in force in Westminster-hall; namely, the power of appeal to a superior jurisdiction. The Bill provided, that the decision of a Local Judge might be appealed from by direct appeal or a *certiorari* writ to the Judges in Westminster-hall, as a ver-

dict in Westminster-hall might be appealed from to a new trial, or to their Lordships, as the highest Court of Appeal. But his noble and learned friend, in urging his opposition, said, that he should have no objection to a Reform of the law, provided it was based on proper principles. He could not help considering his learned friend as one of those Reformers who confined their exertions to starting objections to and detecting flaws in the measures of others— as one of those Reformers who, without proposing any plan of their own, were for ever expressing their dissatisfaction with the well-meant and carefully considered plans of others—objecting to this measure that it was too extensive—to that that it did not go far enough—to another that it was inconsistent with itself—and so on through all the moods and tenses of systematic opposition. His noble and learned friend had had for three years the custody of the great seal, and the noble and learned Earl (Eldon) had filled the same high office for upwards of a quarter of a century. Where was the fruit of their labours in improving the Administration of Justice? Nowhere. They had neither of them proposed any measure of legal Reform—neither of them attempted to open wider the doors of justice to the poor suitor—neither of them had attempted to make justice cheaper and less difficult of attainment. Yet now, without having done anything themselves, they were zealous in their efforts to thwart the endeavour to repair the consequences of their own negligence by their cavils and their exclamations of "this won't do," and "that won't do"—in fact, nothing would satisfy them; and when they were asked, "What, then, will you do?" their only answer was, "Oh! nothing at all; that's your business and not ours." A more certain mode of perpetuating legal mischief, and of perpetually precluding legal remedy than this—of perpetually opposing every plan of Reform without ever proposing one of their own, could not be devised. He asked, could either learned Lord deny, that the costs and delay in suits of law were excessive and unnecessary? He held in his hand two bills of costs in suits tried in the Court of Exchequer, over which his learned friend presided in the year 1832, during which the regulations of his learned friend for diminishing costs in his court were in full force. In one case, in which judgment was suffered to go by default, the costs were 13*l.* for a debt of 10*l.* In another case, the costs were 34*l.* 8*s.* 10*d.*, of which 6*l.* 19*s.* 6*d.* were disallowed. The sum to be gained, the cause of action, for which the plaintiff incurred a bill of costs to the amount of 34*l.* 8*s.* 10*d.*, on which he lost 7*l.*, was 7*l.* 19*s.* 6*d.* After a year's litigation exposed to the chance of having a verdict found against him—after advancing 34*l.*, and after paying 7*l.* of that 34*l.* out of his own pocket, which he never got back—and after the risk of losing it—the balance of the acount upon winning the cause was just 19*s.* 6*d.*, although he was in the right, and although he had gained his point in every stage of the proceedings. The noble and learned Lord next referred to a case in the King's Bench, in which, for a debt of 16*l.*, the plaintiff had to lay out 115*l.*, of which he recovered but 66*l.*, leaving him 49*l.* out of pocket, though justice was on his side, and proceedings all along were decided in his favour. This, too, was after his case was entered one year and a-half for trial, and after waiting two years before it was so entered. Well might Lord Hale, that illustrious Judge and law Reformer—a Judge who, instead of carping, and declaiming, and sneering at the reform plans of others, was ready with measures of his own—was not unwilling to sacrifice his own prejudices and interests at the shrine of justice—who chalked out the way where the knife should be applied with a steady and unsparing hand, to the excision of the rotten parts—well might this illustrious Judge cry out, "Let us return back to those ancient institutions which in better times furnished cheap and ready justice to the poor suitor. Well, too, might Blackstone advocate the same noble principle. Lord Hale was for raising the jurisdiction of the Local Court to 10*l.* cases; he rightly argued that 10*l.* in his time was not more than equivalent to 40*s.* at the time of the enactment of the Statute of Glocester. But without confining themselves to the mere authority of illustrious names, every Local Bill in their own statute-book was a striking illustration of the principle of the advantage of local jurisdictions, and of the anxiety of the Legislature to provide a remedy for their absence. He would go further, and refer them to a still higher authority, which distinctly, and most clearly enjoined the establishing of local jurisdictions. What statute was that which declared that "you shall not

delay nor deny justice, nor make it a matter of sale?" Was it not Magna Charta itself? And did they not deny justice when a suitor, to recover a debt, had to spend 50*l.* more than he could legally recover? And did they not delay and sell justice when it was at a price which but few could afford to pay, and which, if even they could, they would be as wanting in sense as in money if they embarked it on the uncertainty of not being able to recover it even when, after some one or two years' delay, and after having run the gauntlet of Westminster-hall, a verdict should be given in their favour—a verdict, however, which left the costs higher than its award? He called upon their Lordships to afford a remedy for this monstrous state of things. The time was arrived beyond which such a remedial measure could not be longer delayed. He gave them full credit for their earnest anxiety to provide the people with the means of speedy and cheap justice. He was confident that they would not allow party feelings, no nor any factious antiquated scruples as to the present measure, which was, in fact, a very slight change in the existing law, to influence them to reject that measure. He warned them to be cautious in adopting the statements of its opponents. One of these statements alone would show that such advice was not uncalled for. His learned friends, in asserting the proposition of a Jury consisting of less than twelve persons proved, that however well acquainted with the usages of the Courts below, they were very ignorant of the proceedings of Parliament. The proposition was not his—*non meus hic sermo.* Without referring to other proofs in order to show that five, and even three persons were proposed to constitute the Jury, he need only refer them to a bill introduced by Lord Redesdale some few years ago, in which seven was proposed as the number for a Jury, and which Bill was never objected to on the grounds of its lessening the number of Jurors below the usual number of twelve. He regretted the time did not permit of entering more fully into the details of the Bill, and that he was obliged to confine himself to those broader principles or features which had been so much misrepresented, because he would fain believe so much misapprehended. His learned friend had been jocose in reference to bestowing on the present measure the title of "the Poor Man's Bill." He adopted the name—it was an honorable one—the Bill was the Poor Man's Bill. He called it a Poor Man's Bill which removed those obstructions which at present lay in the way of speedy and cheap justice, which enabled the poor suitor no less than the rich to obtain a ready redress of his wrongs. He called that a Poor Man's Bill which enabled the poor suitor to obtain redress for his wrongs, or the payment of a debt in the very next street to the cottage where he lived, without any of the expense, and delay, and vexation, and uncertainty of coming some hundred miles to London to look for costly justice. He called that a Poor Man's Bill which, without taking away the poor suitor from his daily avocation, from his family, or from the employment by which he earned subsistence, would enable him to go at once into Court, and face to face to his adversary obtain cheap and ready justice. His learned friend had impugned the title on the ground that it was absurd to call a bill friendly to the poor suito which afforded speedy execution against him; but it should be recollected, that if the Bill in one case provided speedy execution against the poor defendant, it, on the other hand, insured him speedy execution against the rich defendant, when the poor man was the plaintiff. He would have, therefore, no right to complain, particularly as, in the majority of instances, he would be the plaintiff. It had been said, that as the poor man would not be able to afford security of costs, so as to enable him to remove the trial in case of a wrong decision, the Bill could not be considered as favourable to his interests. Now, this clause, for the removal, by *certiorari*, of a trial, from a local to a Superior Court, was introduced at the instance of a learned Lord, and very contrary to his own feelings on the subject. He yielded, however, to the sense of the House, and guarded against the abuse of the privilege by the rich man, by compelling him in these instances to give security, not only for the taxed costs, but for the full costs of the action, so that the poor man would, in point of fact, receive just as cheap, though not so speedy, justice. Such was the Bill he then called upon their Lordships to sanction. Rumours were abroad, whispers filled the air, every species of tale was afloat, that it was intended to reject that

Bill. He could not believe it—he would not believe it—till their Lordships themselves had convinced him, and they could only do so by their solemn vote, that they would not pass this Bill. "My Lords," continued the noble and learned Baron, "I will conceal nothing from you; I will speak out frankly to you. I did not come here to flatter you. I will neither give nor take flattery. I will be neither its victim nor dispenser. I will give utterance to the plain truth, even though it be unpalatable; and I tell you plainly, that if you this evening throw out my Bill, your doing so will nowise influence me to relax my efforts in favour of law Reform, and any of your Lordships who expect that such a defeat will have the effect of damping or discouraging my prosecution of measures calculated in my mind to promote the general weal, very much reckons without his host, and, if possible, still more mistakes his man. If I said, on the other hand, that your throwing out the Bill on the present occasion would not deeply mortify me, and, in one sense discourage, and, I might say, make me despair, I should not be dealing fairly with your Lordships, and I should represent myself in a state of mind very different from the real one. To be able to carry into effect measures of judicial Reform which long consideration has convinced me are demanded by the wants and interests of the people was my great and primary motive in accepting office. To the effecting an adequate, but cautious, and prudent, and safe measure of legal Reform, I looked to the official influence of my present high station as the great means which alone rendered it an object of my ambition. Of course, if you this night check my efforts to make my official influence useful to the country, you compel me not, I repeat, to relax my efforts to effect judicial Reform, but to propose measures less adequate to my views of the public exigencies, but measures more likely to be successful in attaining your approbation. I must propose measures less efficient, because, if you this night thwart my hopes, it would be useless to propose any measure of extensive reform, but within these limited bounds of practicability—I mean practicability as far as you are concerned—I shall endeavour, to the best of my powers, to discharge my duty, thankful even for half an inch of concession in favour of the people, and hoping that more will follow at no distant opportunity. But, my Lords, I am not the only person whose just and rational hopes will be sadly disappointed by your throwing out this Bill. It matters little your damping my hopes—your dashing the cup of promise from my lips; but it does matter your damping the hopes and dashing the cup of promise from the lips of the people of England. I expected that smile, told and counselled as you have been, that it would be degrading to you not to disregard such consequences. I say yes, your Lordships have been told and counselled to disregard the feelings of the people. ["*No, no.*"] Well, then, I am to understand that you do regard the feelings of the poor suitor, whose fate is so much involved in this Bill? I am rejoiced by that cheer; it restores the confident frame of mind in which I first ventured to solicit your sanction of the present measure. It was, indeed, to be deeply lamented that you should take a step likely to damp the rational wishes of the people for cheap and speedy justice; and heartily I rejoice at your disclaiming cheer, as it makes me confident that you will not hastily reject a measure which affords this cheap and speedy justice. I have only to hope, that the hopes and expectations of the country will this night be realized.

The original Question being "that this Bill be now read a third time," and an Amendment, "that this Bill be read a third time this day six months," having been proposed, a division took place upon the Question, "that the word proposed to be left out (viz. the word now) stand part of the Question." Content (Present 81, Proxies 41) 122; Not content (Present 81, Proxies 53, 134: Majority 12.

Their Lordships divided a second time on the Question—"That this Bill be read a third time this day six months." Contents 76; Not-contents 68:—Majority 8.

But a Question arising whether some Lords had come into the House after the question was put, not having heard the Question put, the tellers were heard, and certain Lords declared that they had so come in by mistake, and the numbers were reduced accordingly. Content 68; Not-content 73:—Majority 5.

List of the NOT-CONTENTS *(first division).*

PRESENT.

DUKES.

Cumberland
Beaufort
Newcastle

Northumberland
Wellington
Buckingham

MARQUESSES.

Salisbury
Abercorn
Bute
Cholmondeley

EARLS.

Westmorland
Sandwich
Doncaster (Duke of Buccleuch)
Abingdon
Moreton
Leven
Selkirk
Orkney
Dartmouth
Delawarr
Bathurst
Digby
Beverley
Mansfield
Wicklow
Belmore
Caledon
Rosslyn
Limerick
Charleville
Lonsdale
Harrowby
Harewood
Verulam
Brownlow
Beauchamp
Glengall
Eldon
Falmouth
Vane (Marquess of Londonderry)
Cawdor

VISCOUNTS.

Sidmouth
Gordon (Earl of Aberdeen)
Beresford
Combermere

BARONS.

Willoughby de Broke
St. John of Bletso
Saltoun
Colville
Hay (Earl of Kinnoull)
Boston
Southampton
Rodney
Montagu
Kenyon
Saltersford (Earl of Courtown)
De Dunstanville
Rolle
Northwick
Carbery
Dufferin
Redesdale
Ellenborough
Arden
Sheffield (Earl of Sheffield)
Manners
Prudhoe
Colchester
Clanbrassil (Earl of Roden)
Maryborough
Ravensworth
Forrester
Penshurst (Viscount Strangford)
Wharncliffe
Feversham
Lyndhurst
Melross (Earl of Haddington)
Cowley
Stuart de Rothsay
Wallace
Wynford

PROXIES.

DUKES.

Leeds
Manchester
Dorset

MARQUESSES.

Exeter
Camden
Ailesbury
Thomond

EARLS.

Pembroke
Winchilsea
Plymouth
Poulett
Home
Airlie
Macclesfield
Graham (Duke of Montrose)
Warwick
Norwich (Duke of Gordon)
Mount-Edgecumbe
Fortescue
Longford
Enniskillen
Lucan
O'Neill
Wilton
Clancarty
Powis
Orford
St. Germain's
Bradford

VISCOUNTS.

Doneraile
Arbuthnot
Sydney
Lorton
Exmouth
Gort

BARONS.

De Roos
Clinton
Forbes
Sinclair
Monson
Grantley
Tyrone (Marquess of Waterford)
Carrington
Hopetoun (Earl of Hopetoun)
Churchill
Harris
Ker (Marq. of Lothian)
Oriel (Visc. Ferrard)
Delamere
Downes
Wigan (Earl of Balcarras)
Heytesbury
Clanwilliam (Earl of Clanwilliam)

List of the CONTENTS.

PRESENT.

DUKES.

Sussex
Somerset
Richmond
St. Alban's
Devonshire
Cleveland

MARQUESSES.

Lansdown
Westminster

EARLS.

Huntingdon
Suffolk and Berkshire
Thanet
Albemarle
Radnor
Hillsborough (Marq. of Downshire)
Clarendon
Cadogan
Charlemont
Craven
Gosford
Rosse
Grey
Morley
Camperdown
Lichfield
Ripon

VISCOUNTS.

St. Vincent
Hutchinson (Earl of Donoughmore)

BARONS.

Audley
Willoughby d'Eresby
Dacre
Stourton
Paget (Earl of Uxbridge)
Howard of Effingham
Say and Sele
Stafford
Byron
Gower (Marq. of Stafford)
Elphinstone
Holland
Vernon
Ducie
Sundridge (Duke of Argyll)
Foley
Suffield
Auckland
Lyttleton
Dundas
Lilford
Dunally
Alvanley
Mounteagle (Marq. of Sligo)
Granard (Earl of Granard)
Gardner
Melbourne
Minster (Marquess Conyngham)
Glenlyon
Somerhill (Marquess of Clanricarde)
Fife (Earl of Fife)
Plunkett
Rosebery (Earl of Rosebery)
Brougham and Vaux
Sefton (Earl of Sefton)
Clements (Earl of Leitrim)
Kenlis (Marquis of Headfort)
Chaworth (Earl of Meath)
Hamilton (Lord Belhaven and Stenton)
Howden
Panmure
Poltimore
Wenlock
Segrave
Templemore
Dinorben
Godolphin
Hunsdon (Viscount Falkland)
Western
Solway (Marquess of Queensberry)

BISHOPS.

Archbishop of Dublin
Bishop of Llandaff
Bishop of Chichester
Bishop of Hereford

PROXIES.

DUKES.

Norfolk (E. M.)
Bedford
Portland
Sutherland

MARQUESSES.

Winchester
Anglesey

EARLS.

Essex
Carlisle
Ferrers
Tankerville
Cowper
Buckinghamshire
Fitzwilliam
Ilchester
Spencer
Durham
Granville

VISCOUNT.

Leinster (Duke of Leinster)

BARONS.

Howard de Walden
Grey of Groby
Petre
Clifton (Earl of Darnley)
Dormer
Clifford of Chudleigh
Ponsonby (Earl of Besborough)
Montford
Sherborne
Dorchester
Mendip (Viscount Clifden)
Yarborough
Erskine
Ranfurly (Earl of Ranfurly)
Kilmarnock (Earl of Erroll)
Fingall (Earl of Fingall)
Rossie (Earl of Kinnaird)
Dover
Ludlow (Earl of Ludlow)
Mostyn
Cloncurry
De Saumarez
Stanley

BISHOPS.

Archbishop of York
Bishop of Norwich

HOUSE OF COMMONS,

Tuesday, July 9, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. WALKER, an Account of the Number of Stamps issued to each Newspaper in Ireland, during the Quarter ending 5th April, 1833.—On the Motion of Mr. HUME, the Number of Changes made in the Diplomatic Department Abroad, in the year 1832, and the Number of Individuals entitled to Allowance for Outfit, accounting thereby for the Sum of 16,570*l.* stated in a Return.—On the Motion of Mr. CHARLES WOOD, the Quantities of British Wool, Raw and Manufactured, Exported from the United Kingdom, from 1820 to 1832, inclusive.—On the Motion of Captain DUNDAS, an Account of the Money received by the President and Governors of the Merchant Seamen's Hospital and their Agents, in 1830, 1831, and 1832: the same from the Trustees of Bristol, and the Trinity House at Hull.—On the Motion of Mr. R. CLIVE, an Account of the Number of Writers and Cadets appointed each year, from 1823 to 1833, by the India Company.—On the Motion of Mr. O'CONNELL, Copies of Papers relative to the Dublin and Kingstownship Canal.

Bills. Read a third time:—Public Works; Merchant Seamen's Wages.

Petitions presented. By Mr. WILSON PATTEN, from the Medical Practitioners of Warrington, against the Apothecaries Bill.—By Mr. CUTLAR FERGUSSON, from several Places, for Restoring Poland to Independence.

TITHE COMMUTATION (ENGLAND). Lord Althorp moved the Order of the Day, "That the House resolve itself into a Committee on the English Tithe Commutation Bill."

Mr. *James* wished to ask the noble Lord a question respecting the inequality of the Assessments for Taxes. There were a great number of his poor constituents in Carlisle, who were unable to pay Assessed Taxes from their great poverty. In consequence they were, by the Commissioners of Taxes, deprived of the right of exercising the elective franchise. He thought it an exceedingly hard case, that they should be deprived of one of the most invaluable rights of a British subject, merely because they were too poor to pay the King's Taxes. Another circumstance which called for observation was, that those who were far richer, were only taxed the same as the poor were—the rich thus paying for the right of exercising the franchise only the same amount as the poorest were charged. This, he thought, was an act of injustice towards the poorer classes, as it was generally admitted that they already bore a greater proportion of the burthen of the House tax than their richer neighbours.

Mr. *Baring* rose to order. By a stretch of courtesy, and a straining of the rules of the House in his favour, the hon. Gentleman was permitted to put a question to the noble Lord opposite. If, however, he entered into an argument on the subject when an interrogatory only was permitted, he (Mr. Baring) thought the House for its own sake ought to interfere.

Mr. *James* replied, that he had not taken up a single moment in the House during the Session, and he did not mean to occupy the attention of the House but for a few moments. The noble Lord must have observed that the argument against—

The *Speaker:* The hon. Member certainly knows the distinction between argument and statement. If he had any question to put to the noble Lord, he was in order in doing so; but he could not be permitted to go into any argument upon a subject not before the House.

Mr. *James:* He wished, then, to ask the noble Lord, if his Majesty's Ministers had authorized the assessments that had been made?

Lord *Althorp* thought, that it would have been apparent to every one from the discussions which took place on the Reform Bill, that all persons who claimed to vote as proprietors or occupiers at 10*l.* yearly value, would be liable to be rated. It was a natural consequence of their claiming to vote, and it was not for his Majesty's Government to say now whether it was right or not. He might

say, however, that the Government could have no right to dispense with the assessments, but that such houses must be expected to be so rated as long as the occupiers continued to claim the right of voting.

Mr. *Baring* said, that as there was so much important business for determination in the present Session, it might, perhaps, save time, if he were to ask the noble Lord whether it was his intention merely to state his views on the question before the House, and then postpone the matter until the next Session, or to pass any part of the Bill in the present Session?

Lord *Althorp* said, it was his intention to omit every part of the Bill which was compulsory, and to retain those which were merely permissive. The Bill consisted of two parts—the first permissory, by which composition for tithes and liberty to contract for their commutation, was permitted and encouraged; the second compulsory, which made commutation imperative. The latter part he proposed to omit altogether, because he was aware, that a great deal of opposition existed to it in the country, where people had not thought much about tithe composition until he introduced the Bill. Therefore he would omit all the clauses subsequent to the 12th, with the exception of one or two, which he should explain to the Committee. Before the hon. Gentleman opposite originated a discussion on the present question, the hon. Gentleman would do well to wait for the Bill, as he should propose it to the Committee.

Mr. *Baring* was of opinion, from the noble Lord's own explanation, that in consequence of the number of important questions before the House it would be better to postpone the Bill altogether to next Session. This was a subject which he hoped the House would decide on its own merits, for it affected the peace and tranquillity, as well as the property of the country; and no Gentleman in that House could be suspected of supporting it, or any part of it, on any other grounds than for the public good. Certainly, if the noble Lord had been able to bring it in at a proper period of the Session, he (Mr. Baring) should have looked upon it as a most desirable measure for the House to take into consideration; and he knew, that there was no person in the House more capable of judging of the whole question than the noble Lord. But the difficulties with which the question was embarrassed were such, that it was impossible for the House at this stage of the Session, to find time to examine it with sufficient care. The noble Lord had said, that the subject of Tithe Commutation had not been fully considered throughout the country; and that it was not talked of until he brought it before the House. That was perfectly true; and the noble Lord ought, therefore, to consider, before he called upon the House to pass any part of his Bill, that the measure had not been fully before the House itself more than nine or ten days. He was convinced, that from one end of the country to the other, the general opinion was, that it was not the intention of the noble Lord to pass the Bill this Session. The simple question was, whether it would do any good to pass the permissive part of the Bill, without at the same time passing the other. He very much doubted whether the imperfec measure would be of any service. The uniformity of the whole system would be destroyed by that patchwork manner of doing business. It would be much better to postpone the Bill and take the whole question into consideration next Session, than to take only half of it now, when there were upwards of six different questions, of very great importance, before the House in the middle of July. In fact, it was an unprecedented thing for a Bill of such importance to be read a second time at three o'clock in the morning. Well, then, it might be two o'clock; for he had gone away at one, not at all thinking the noble Lord meant to press that stage of the Bill, upon which the principle of it was usually discussed, at such a late hour. Had he waited, he should have been prevented from speaking by that impatience which was usually shown by a majority of that House to press forward any measure of the noble Lord's. If the proposition of the noble Lord were entered upon, when the compulsory clauses came to be entered upon in any parish, both parties would find themselves embarrassed with the patchwork commutations already existing in different parts of the country. The Bill, in the permissive part, rendered the sanction of the Bishop necessary to make any contract of commutation binding. But how was the Bishop to judge of the terms, before

the valuation to be effected under the compulsory part of the Bill should have been placed before him? Under these circumstances, he trusted that the noble Lord would consent to postpone the measure; but if these reasons were not sufficient, he might add the numerous objections which had been made by several different descriptions of persons to the plan of the noble Lord. He believed that all the witnesses examined before the Committee on Agriculture, of which the right hon. Gentleman, the first Lord of the Admiralty, was Chairman, had given opinions unfavourable to the details of the Bill. They approved of the principle of the Bill, but they were averse from the proposed mode of carrying it into execution. It was a measure which should be settled at once; and the best way to ensure this would be to lay the Bill before the country, and allow it to remain till next Session in order to give time to discuss its details.

Lord *Althorp* was surprised at the observations of his hon. friend as to the time at which this Bill had been read a second time. It was by no means unusual to dispose of Bills, at such a stage, in such a way, without at all prejudicing the right of hon. Members to object to their details, and he was, therefore, he again said, surprised to have heard such an objection urged upon the present occasion. His hon. friend had been pleased to compliment him as very competent to bring forward a measure upon this subject and to say that the Bill would have been much more satisfactory had it not been for the pressure of official duties. He could not take the compliment intended by his hon. friend, because he had given to this subject all the attention of which he was capable before the commencement of the Session, and had brought forward the best measure he could frame. He had taken into his consideration a great number of suggestions, and had endeavoured to frame a Bill liable to the fewest exceptions. He again said, that he was prepared to give up the compulsory part of the measure, but he was desirous of carrying the permissive part of it to discover the objections which might exist. Suggestions had been made for taking the valuations of tithes, on the amount of the rent; but this he believed to be a mode very difficult of adoption, as in many cases it would be found almost impossible to ascertain what the amount of the rent was. His hon. friend had objected to the provisions which made the Bishop the Judge of the commutation proposed. He had said, that the Bishop would find it difficult to discharge this duty with satisfaction; but it should be borne in mind, that the Bishop was not the sole arbiter; there was the patron of the living to be consulted, and in order to guard against any partiality on his part, there was the check of the Bishop. He could not see any reason for giving up the permissive part of the Bill, though he would the compulsory, and he, therefore, felt it to be his duty to press the question forward to a Committee, that the measure of the Government might be seen by the country.

Mr. *Herries* suggested to his hon. friend, the member for Essex, that it would be better to withdraw his opposition at the present stage of the Bill, and reserve it for a future time, when it would be before the House in an amended form. Before sitting down he begged leave to call the attention of the House to the position in which the various Committees were placed by the order which passed the House a few days since. Under present circumstances, there were several Committees which were in doubt as to whether it was competent for them to sit while the House was thus proceeding with the business.

Sir *Matthew White Ridley* said, he would have joined in the opposition to this Bill, if the compulsory part was to have been pressed forward; but as this was not the case, he should take no exception to the Motion for going into Committee. He could have wished, however, that, instead of such a Bill as this, the noble Lord had introduced a simple Bill, giving permission for tithe-receivers and tithe-payers to make a commutation for twenty-one years. This would materially have facilitated a permanent settlement of the measure, which he did not anticipate from the present Bill.

Mr. *Estcourt* agreed with his hon. friends who intended to withdraw their opposition at the present stage of the Bill; but he was of opinion, that the Bill should be ultimately postponed until the House was in possession of further information.

Lord *John Russell* observed, that whether the measure which his noble friend, the Chancellor of the Exchequer, proposed, in relation to the present ques-

tion, was crude or otherwise, depended on the condition of the Bill to be laid before the House. If the House did not suffer it to come before them, how could they decide upon its merits? Therefore it was that he deprecated the present discussion. The omission of the compulsory parts he believed to be a wise and a good arrangement. He did not anticipate that any very great good would be produced by the Bill, even in its amended shape, for the present; but enlightened as the country would be by the labours of the Agricultural Committee now sitting, he hoped before another Session of Parliament should pass over, that something effective might be done for the relief of the people and the support of the Established Church. With respect to the question—as to whether the Committee should sit during the hours the House was transacting public business?—he should only observe, that the Warwick Election and another Committee got special leave from the House to sit yesterday during the time of business, and when leave was required, it must be the understanding of the House, that Committees were not to sit unless permission were obtained.

Mr. *Gilbert Heathcote* as the Representative of a large agricultural constituency, might be permitted to say a few words on the subject before the House. His hon. friend, the member for Essex, did right, he thought, in withdrawing his Amendment until the plan proposed by Government was fairly before the House. Until then they could hardly decide, with any show of reason, upon its merits. He could not, however, help thinking that his noble friend, the Chancellor of the Exchequer, did perfectly right in expunging the compulsory clauses from his Bill. He would take that opportunity of protesting against the hon. member for Newcastle's plan of commutation for twenty-one years. He thought it neither wise nor feasible. Every man could learn the price for the past twenty-one years; but no man could tell what would be the price for the twenty-one years ensuing.

Mr. *Charles Kemeys Tynte*, as Representative for a large agricultural district, begged to assure the hon. member for Essex, that the Bill had been sufficiently circulated through the county he had the honour of representing, to cause petitions to have been sent in masses against it. He thought the noble Lord, the Chancellor of the Exchequer, had acted wisely in postponing the most objectionable portions of the Bill, but he trusted that the noble Lord would assure the House and the country, that the whole question should be fairly met, and finally settled, at the early commencement of the next Session, for he could assure the noble Lord, that if not speedily settled, a spirit of resistance to the payment of tithes would be raised, which might lead to the most disastrous consequences.

Major *Beauclerk* agreed with the hon. Gentleman who had just sat down, that the noble Lord had done well to postpone the compulsory part of the Bill. The House had passed the Session most unprofitably. They had passed Coercion Bills and other measures of a similar nature, but not one measure of public utility. He was glad that the noble Lord had put off that part of his measure which would have met the expectations of neither party. If the noble Lord thought that he possessed sufficient enchantments to win the affections of both parties, he would find himself mistaken. It was vain to suppose, that without compulsion it would be possible to bring the Clergy and their parishioners to a fair and equitable arrangement. This was a question of paying and receiving taxes, and in all such questions it was impossible to lead to a fair settlement, by attempting to please both parties. He hoped the noble Lord would wait until next Session, when, perhaps, by pursuing a straight forward course, the noble Lord might do justice to both parties, without exactly consulting the pleasure of either.

The House went into Committee *pro formâ*; and certain Clauses and Amendments having been read, with a view to having the amended Bill printed, the House resumed.

Letters Patent.] The House went into Committee on this Bill.

Mr. *Jervis* objected to that part of the Bill which contained the definition of a patent, and moved an Amendment.

Mr. *Lloyd*, as a member of the Committee, would give the Amendment his most decided opposition. The definition was the only really important part of the Bill, and had been agreed to almost unanimously by the Committee. He was sorry the hon. Member who proposed the Amendment, had not attended the meeting

of the Committee and heard the reasons assigned for the adoption of the definition. It was almost unfair of that hon. Member not having attended the Committee, to come down to that House and oppose the definition by an Amendment which seemed to him, unintelligible verbiage. He hoped his learned friend would not press a Motion which would have the effect of destroying the Bill.

Mr. *Rotch* said, no clause had received more attention by the Committee than the one under consideration; for, knowing it to be the almost vital one, they had spent hours and days in drawing it up. His hon. and learned friend had said, that the law as it at present stood was clear and definite enough. Now how did that stand? Why the books showed that no two Judges took the same view of it, which led to great difficulties.

Mr. *Godson* thought it was important, for the security of inventions, that the law on the subject should be settled. He hoped his hon. friend would not press his Motion, but would allow the Report of the Committee to be made. The recommendation of the Select Committee was, that the Bill be divided into two Bills.

Mr. *Aglionby* was afraid that the Bill would prevent the increase of improvement in manufacture, and be productive of endless litigation. He wished that the further consideration of the Bill should be postponed till the next Session, and he called upon the House on behalf of the manufacturers of the country, to postpone the Bill. He was quite satisfied that the whole county of Lancaster would rise up against it.

Mr. *Godson* said, that he had received letters from almost every county in England, proposing an alteration in the law on the subject of patents, but more especially from Manchester, Birmingham, and Leeds, at which places, as well as at London, public meetings had been held, and the greatest anxiety displayed on the subject. The object of the Bill was the protection of the poor but ingenious inventor, who, from want of capital, was encroached upon by the rich.

Mr. *Aglionby* was an advocate for paying ingenuity, but there were daily taking place throughout the trade of the country minor improvements, which he considered the present Bill would have a tendency to check.

Mr. *Lloyd* observed, that if he thought the tendency of the Bill would be to injure manufacturers, he should be the last man to support it: but he was convinced it would have a directly contrary effect. He hoped, for the honour of the county of Lancaster, that the House would receive a denial of the statements made by the hon. Member.

The House resumed, and the Report, that the Committee had divided the Bill into two Bills was brought up. To be taken into further consideration.

Observance of the Lord's Day.] Mr. *Peter*, having presented petitions from Lutterworth and Pimlico for the better Observance of the Sabbath, moved the Order of the Day for the Second Reading of the Bill for the better Observance of the Sabbath.

The Order read.

Mr. *Peter* said, though it might be regretted that the subject had not fallen into abler hands—into hands more competent and accustomed to labours of that kind—he felt assured, that,—with the wishes of the people so strongly expressed as they had been on the question —with so many petitions lying on the Table from all parts of the kingdom, and from all classes of the community—the House would concur with him in thinking, that the time had arrived for considering the subject, for revising the existing Laws in relation to the Sabbath, and for modifying and amending their several provisions in such manner as might seem most consistent with the true interests, and most conformable to the just feelings and habits of society. In whatever way they approached the subject—whether they regarded the Sabbath as of divine, or of human institution—whether they considered it as a day set apart for religious and moral improvement, or for mere purposes of bodily rest and worldly relaxation—in whatever view they contemplated the subject—the House, he was confident, would concur with him, —it would concur with a much higher authority than his—(he meant that of the learned commentator on the Laws of England)—that the observance of one day out of seven was of essential service to a State—that it tended to humanize the manners of the lower classes, which might otherwise degenerate into sordid ferocity and selfishness of spirit—that it enabled the industrious tradesman and labourer

to return to his weekly occupations with renewed health and cheerfulness—and that it imprinted upon the minds of the people that religious feeling, that sense of duty towards God and man, which was so necessary to make them good citizens, but which would be in danger of being worn out and defaced by unremitted labour, without any interval of leisure and repose, without any stated period for recalling them to the worship of their maker. But he was not considering the question in a religious point of view; he was not arguing it on scriptural grounds; he was not discussing the difference between the Jewish Sabbath and the Christian Sunday, or how far the regulations which were applicable to the former, might have been abrogated or superseded in regard to the latter. Into these topics he would not enter,—not because he felt doubts as to the true grounds and extent of religious obligation for the observance of the Sabbath—not because he deemed less reverently of that sacred day than others, who might be more prominent in enforcing their own opinions,—but because—knowing, as he did, the vast diversity, the great contrariety of opinion which prevailed, even amongst the wisest and best of mankind, on the subject,—he was loth to open a field of theological debate and idle controversy—of controversy to be deprecated on all occasions, and never more than on an occasion like the present. In former ages the most erroneous notions prevailed upon the subject, and religion had been rendered odious by Laws having for their professed object to enforce duties, the very essence of which consisted in their being the free-will offerings and pure homage of the heart, and for the neglect of which we were accountable not to man but to our Maker. Of this nature were some of the Statutes, passed in the reign of Elizabeth and confirmed by subsequent Parliaments, which compelled under pains and penalties for disobedience, all persons above the age of sixteen to resort to their parish churches or usual chapels of worship—Statutes, which, though repealed as far as they affected Dissenters, might be still enforced against members of the Church of England. He should be told perhaps, that such Laws were a dead letter—that they were never executed. If so, then of what utility were they on the Statute-book? But these Laws were not a dead letter. They were sometimes enforced, or attempted to be enforced, in the most invidious and oppressive manner. He knew many instances of their being so. He knew an instance of a clergyman attempting to enforce them against several of his most respectable parishioners with whom he had quarrelled on the subject of tithes. He knew another—a still more recent case, (and one, he had no doubt within the knowledge of many Members of that House,) where a Minister, a man of the most licentious habits, had actually prosecuted some of his neighbours for refusing to attend at the parish Church—at that Church from which he himself had driven them away by the daring impiety of his demeanour, and the unblushing profligacy of his life. And ought Laws, which upheld such tyranny, which sanctioned such injustice, to remain? Such Laws were wholly inoperative for all purposes of good—they were weapons of persecution and annoyance in the hands of the evil, and could be attended—if generally enforced—with no other result than that of making men either hypocrites or martyrs. Such Laws ought no longer to disgrace the Statute-book, and one great object of the proposed Bill was to repeal and get rid of them altogether. With respect to the other Laws which were in force on the subject, and which lay scattered through the Statute-book from the reign of Edward 3rd down to that of his present Majesty—these Laws also, in the first place, he proposed to repeal—in order, however, to amend their discordant provisions, and to modify and consolidate the whole into one Act. The measure, therefore, which he (Mr. Peter) proposed, could hardly be called a new one. It contained little more than re-enactments, (modified indeed and rendered more practicable and better adapted to the present state of society, but still little more than re-enactments) of previous Laws. It prohibited labour and trading, with certain exceptions as to servants engaged in the necessary service of their employers—venders of medicine—sellers of milk and fruit—and bakers at certain hours and in certain cases. With respect to houses of entertainment, mere drinking houses, such as gin and beer shops—would be shut up. There was to be no drinking on the premises during any part of the day; though retailers of beer would be allowed to supply families at their own houses. Inns, however—public houses—cooks' shops, and

other places of refreshment—supplying victuals as well as liquor—would be left open for the reception and entertainment of travellers and lodgers at all times, and were only closed, as far as regarded other persons, during the hours of divine service. With regard to travelling,—drovers with cattle, waggoners, and others, licensed to carry goods for hire, were prohibited from pursuing their journeys between the hours of nine and six; whilst coaches, omnibuses, and other carriages for the conveyance of passengers, were not to commence their journeys during the hours of morning and evening service. There were other clauses, rendering null the service of process, prohibiting gaming, dog-fighting, hunting, shooting, &c. &c.; which were also re-enactments of previous Laws. The principal and indeed almost only novelties of the Bill were two clauses—the one, changing the days of vestries and of other public meetings from Sundays to Mondays; the other, enabling persons who, by grant, prescription, or otherwise, were entitled to hold fairs and markets, to postpone them, when falling on Mondays, to some subsequent day of the week. The penalties for violations of the Act (the amount of which might be settled in Committee) were to be recoverable before two Magistrates, against whose decision an appeal lay to the Quarter Sessions. Such were the principal clauses of the proposed Bill, which, as he had before stated, were little more than re-enactments of previously existing laws. That the Bill was imperfect —that it went too far for some, and not far enough for others—that it had excited the opposition of the more violent on each side—he was fully aware. But whatever might be its real or supposed defects, it possessed one redeeming quality. It disencumbered the Statute-book of seventeen Acts it substituted one Law in the place of eighteen. He might also say of it, that it was not a Bill of invidious distinctions and petty partialities. It made no difference of rank or person—no difference between rich and poor—between the hotel of the one and the pot-house of the other. Again, it was not a Bill of fast and gloom, interfering with innocent exercise and diversions, keeping the poor labourer immured within his smoky cabin, and excluding the sickly tradesman and artizan "from the common air and use of his own limbs." God forbid that it should do so, for he believed, that if there was one mode more calculated than another to drive a population into vicious indulgences, it was the prohibition of harmless ones, it was the exclusion of them from every relaxation and pastime of a cheerful and innocent nature. Lastly, he would say, that it was not a Bill of coercion and intolerance, but of protection. It sought not to compel, but merely allowed and enabled people to be religious, if so inclined, by relieving them from situations in which their worldly interests were frequently at war with their religious principles, and where they might be tempted to sacrifice their duties to the fear of loss, or to the hope of gain. He would detain the House no longer. The Bill before them had its defects, but believing that those defects might be remedied in a Committee, and knowing that the wishes of all moderate men were in favour of the measure, he should move that it be read a second time.

Mr. *Slaney* seconded the Motion. The Bill was not altogether a perfect one, but its imperfections might be remedied in Committee, and relieving the Statute-book of seventeen or eighteen inoperative Statutes and framing out of them one like the present, was an act which did the hon. Member no small credit. As he had said, there were one or two details to which he should object in the Committee more particularly with reference to the novelties introduced into it, several of which, by their over-strictness, were more calculated to throw an air of ridicule over the observance of the Sabbath, and to make the law inoperative than otherwise. The Bill steered a fair course between extreme severity and extreme laxity of legislation upon a subject, regarding which the feelings of the people had been distinctly manifested by their petitions to this House; and it was from the extreme anxiety which he felt to avoid too great strictness in legislation upon this question, that he ventured to support this measure. In addition to these considerations, he would merely observe, that some legislative enactment was necessary as to the observance of the Sabbath for the sake of the humbler classes. If the Bill went to trench upon the rational and necessary recreations of the middling and labouring classes on the Sabbath, it would be a great evil, and would encroach upon one of the greatest blessings which that portion of the community now enjoyed. But they must take care that the higher classes

were induced to prevent those in their service from breaking through the repose and quiet of the Sabbath. Much must be left to the example of the upper classes; but, if, for instance, men of rank gave dinner parties on the Sundays and kept their domestics employed during the day, the moral influence of such an example could only tend to render the lower classes worse off than they were. He said, that all those who took an interest in the welfare of these classes, and wished to improve their condition, must be anxious to carry into effect a measure which had that object in view. He must confess he could not agree with those who were for screwing up the Sabbath regulations to the tightest point, taking away that relaxation which the middling classes had been always used to, and to which they were entitled. It was on this latter account that he could not assent to one or two of the details of the proposed measure; but as his hon. friend was not pledged to them, he gave to the principle of the Bill his hearty concurrence. He saw, for instance, no objection to giving greater facilities to the opening of houses where refreshments might be obtained for persons who go out to walk in the country for relaxation during the evening, or after the morning service. It was unnecessary to make the Sabbath a day of gloom. All these however, were matters to be considered in Committee; but in his opinion it would be for the temporal benefit of the humbler classes, at the same time that it would more induce them to improve their minds, and to make them cheerful and contented, that the Sabbath Day should be kept holy. It was the duty of the Legislature to protect this class from the power of the avaricious employer on the one hand, and on the other to guard them against the results which might ensue from too severe a system of legislation. He supported the Bill, although he had great doubts whether the House could give it that attentive consideration which would justify them in passing it this Session.

Mr. *Warburton* said, that he should feel less induced than at present to oppose the Motion, if it repealed or counteracted the numerous and contradictory Acts already in existence. But the repeal was not confined to restrictive Acts, it revoked also some Acts of indulgence. For instance, there was, in one Act of Parliament, a proviso by which hackney-coaches were permitted to ply for hire on Sundays. Now, that Act was to be repealed without any exception in favour of hackney-coaches.

Mr. *Peter* explained that the hon. member for Bridport was in error. It was meant to leave the law precisely as it stood on that point.

Mr. *Warburton* believed that the effect of the Bill in its present state, whatever might be the hon. Member's wishes, would be such as he had stated; and this was only one of the many enactments to which he must give the most uncompromising opposition. Again, by the present laws, the sale of mackerel on Sundays was allowed. But the Bill would put that down. Did the hon. member for Bodmin mean to compel the fishermen to observe the Jewish Sabbath, and to work upon the Christian Sabbath, for the Monday market. It would be of little use for them to fish upon the Saturday if they were not allowed to sell what they caught upon the Sunday, unless they did it for mere amusement and threw the fish upon the dunghill. The hon. member for Bodmin did not seem to be aware that there must be very numerous exceptions to any general measure of this kind. There were a great many of the most indispensable employments which could not be laid aside on the Sabbath. The shepherd must attend to his flocks just as much on Sunday as on any other day of the week; and the navigation of a ship upon the seas could not be suspended to enable the crew to obey the hon. Member's Bill. If the Legislature attempted to interfere too far and too minutely, the law would become a dead letter and a matter of derision, rather than of respect and obedience. If the Bill were to pass in its present state, nothing could be worse calculated to ensure the Observance of the Sabbath, in the way in which the hon. Member himself (Mr. Peter) desired it to be observed. There was one clause which forbade the navigation of barges on the Sabbath. But was not the hon. Member aware, that on many rivers, and some of them communicating with the river Thames, there were shallows over which barges could pass only on the Sunday, when the mills were not at work, and the water being consequently let down from the mill-dams afforded sufficient depth for the barges? The hon. Member (Mr. Peter) had said, that his Bill did not interfere with the recreations

of the people; but here was a clause which prevented watermen from plying for hire on the Sabbath; and the hon. Gentleman must know that a great part of the people of this metropolis had no other amusement on the Sabbath. A great number of working-men were in the habit of taking their families on the river on Sundays, and to all that class the operations of the Bill would be very oppressive; and to the watermen themselves it would not be beneficial, as they could not have the employment of that class on any other day.

Mr. *Peter* explained that the clause referred to was mistaken by the hon. member for Bridport; barges and wherries were to be prohibited only from carrying "goods" for hire on the Sabbath.

Mr. *Warburton* certainly saw somewhere in the Bill a clause which would have the effect of which he complained, and it gave besides an encouragement to informers to cause it to be enforced. However, he thought that the Bill ought to be allowed to pass this stage. He was not disposed to deal with it as the Bill of the hon. Baronet (Sir Andrew Agnew) near him had been dealt with. But even this Bill would require very great alteration before he could consent to its becoming the law; and he was by no means certain, that it was possible to make the necessary changes in the present Session.

Mr. *Bernal* gave every credit to the hon. Member who brought in the Bill for his meritorious and praiseworthy intentions, but he doubted very much whether the evil would not be increased tenfold by the measure. It could not be expected that sufficient consideration could be given to the Bill, so as to correct its faulty clauses, at that late period of the Session. He thought, that the best mode of increasing moral and religious feelings was by good example. But the Bill did not at all promote that, for by it the poor man would be prevented from commencing a journey, however urgent, at certain hours in the morning, by a stage-coach, while there was nothing to prevent Gentlemen from following their own wishes or duties by the employment of post-horses and nothing to prevent them from travelling at any hour. Could it be borne, that a person wishing to visit a sick or dying friend, for instance, should be prevented from doing so on the Sabbath, until a certain hour, unless he could afford to hire post-horses? He maintained, that this inequality of legislation could not be upheld; and that any such measure should be scouted. It might appear, perhaps, a little irregular to advert to the clauses of the Bill, and to discuss them, when the Motion was only for the second reading; but the principle of the Bill was an innovation upon the existing law, and it was only by referring to the clauses that he could more particularly state his objections to it. In the last clause the hon. Gentleman added many sweeping exceptions to the Act; but the delivery of beer or cider, dressed meat, &c., at persons' houses was limited to between the hours of five and nine in the evening; so that persons in this metropolis, particularly, will be prevented from getting refreshments on their return of a Sunday from a walk or a ride, unless they reached home during these hours. A similar regulation applied to hackney carriages, such provisions trenched upon the enjoyments of the middling and lower classes, while they left the higher classes unmolested. So far as this Act repealed various statutes, he concurred in it; but he was not prepared to give his assent to the measure, inasmuch as, in its present shape, it would materially affect his constituents. He alluded to the navigation of the Medway as connected with that of the river Thames; where the commerce in hops and flour was considerable, and where the detention of barges for a day would prove of most serious consequence. Again, fruit was conveyed by barges, and by losing a good wind or tide, and by conforming to the provisions of this Bill as to hours of sailing, &c., the whole produce of an orchard might be destroyed. On these grounds he should oppose the Bill, and he was sure as long as it contained as many anomalies as at present it would not obtain the sanction of that House.

Mr. *Finch* said, the Bill was a Statute of protection; it ensured to the poor man one-seventh of his time as was done by the common law of the land. It ought, however, to have been brought in earlier.

Lord *Granville Somerset* thought, that the objections to proceeding with this Bill, this Session, were unanswerable. The Bill might be made useful; but to be useful it must be materially altered. It ought to be withdrawn; and if introduced in another Session, he trusted that many of the clauses would be materially altered, particularly as regarded manufacturers.

Mr. *Wilbraham* said, he had presented many petitions on this subject, urging well-founded complaints. Various operatives represented that they had no opportunity of observing the Sabbath; the like was the complaint with large bodies of manufacturers; and surely those classes ought to have some remedy for such a grievance. He doubted, however, whether it could be passed this Session.

Mr. *Estcourt* approved of the principle of the Bill, but not of its details. He hoped his hon. friend would withdraw it for the present Session, and introduce it next Session in more than one Bill.

Mr. *Peter* said, he had no objection to send the Bill to a Committee above stairs, and adjourn till the next Session, after those parts had been corrected which were deemed objectionable.

Sir *Andrew Agnew* reminded the House of the remarks of the hon. member for Cheshire, who alluded to the petitions which he had himself presented, from men actually working on canals in his county, and which showed that they were desirous of a day of rest. This entitled him to say, that much false sentiment had been uttered about the indulgence and pleasures of the lower orders. The fact was, that all the false sentiment which had been spoken about Sunday indulgence had only reference to the pleasures of the upper and middle classes, while the actual lower or working classes were left altogether out of the account: for instance, it might be very agreeable to gentlemen of the upper classes to travel in their own carriages to Richmond, and those of the middle classes might find it agreeable to go there by public coaches; but would the House keep in mind that there was another class —the working class—the ostlers, horse keepers, and all other operatives connected with travelling, who had petitioned that House for protection on the day of rest, and which was now no day of rest to them? He took this as an illustration, and he warned hon. Members who had laid on the Table so many petitions (signed chiefly by the humble classes), and who were about to return to their constituents, who had manifested so much anxiety on this subject, that such a Bill as that now before them would not meet the wishes of their constituents. Opposed to all this false sentiment, this morbid sensibility, he stood there as the advocate of the poor man, now in many trades condemned to work for the pleasure or profit of his master. His objections were very different from those of the hon. members for Bridport and for Rochester. He strongly protested against the Repealing Clause, which took away many excellent Statutes without providing substitutes. He should, therefore, if the Bill went into Committee, divide the House against that clause. He likewise objected to the absence of an acknowledgment of the divine origin of the institution of the Sabbath—a defect which he should seek to amend in Committee, by moving a preamble, and dividing the House upon it. He should be very glad if the hon. member for Bodmin would restrict his Bill to the clauses for suppressing Sunday trading, to which extent he would support it; and he felt that in giving any opposition he was placing himself in a delicate position. As a further proof that the Bill was not calculated to afford protection to the working classes, he would instance the travelling clause, which prevented the travelling of waggons between nine o'clock in the morning and six o'clock in the evening—that was for nine hours, and for that length of time a waggon must stop out of the twenty-four hours. That might suit the master, whose object was profit and gain. But if the waggon might travel onward, both morning and evening, on all but the forbidden hours, the desire of the poor waggoner was altogether defeated—he was denied a day of rest.

It being three o'clock the Speaker retired, and the debate was adjourned.

AFFAIRS OF POLAND.] Mr. *Cutlar Fergusson* presented two Petitions—one from the Glasgow Political Association, and the other from the inhabitants of Birmingham—praying the House to interfere in order that the Polish nation might be restored to independence.

Petition laid on the Table.

The hon. Member was proceeding to make his Motion on the subject to which the Petition related, when

Lord *Ebrington* interrupted the hon. Member and said, he had a petition to present which he was afraid could not be received, but as he had been asked to present it he could not do otherwise than mention it to the House. It was from the members of the National Committee of Polish Emigrants at Paris. It was signed by several distinguished persons, but he

would not present it, as the forms of the House would not allow it to be received.

Mr. *Cutlar Fergusson* said, that it was now twelve months since he had for the second time called the attention of the House to the present unfortunate condition of Poland, to the wrongs and sufferings of her brave and heroic people, and to the claims which they had to the protection of this country, which was by a solemn treaty pledged to the independence of Poland. He rose once more to submit a Motion upon that subject, which he hoped that the Ministers would not consider it either their duty or their interest to oppose. He had no wish to embarrass the Government, nor did he think that the success of his Motion would have that effect, but on the contrary, it would strengthen their position as regarded Russia, and enable them more effectually to obtain redress for Poland, if they had it in their power to say, that the British House of Commons considered the conduct of Russia towards Poland to be in contravention of the tenor of existing treaties. The Motion which he intended to conclude with was as follows :—" That a humble address be presented to his Majesty, praying that he will be graciously pleased not to recognize, or in any way give the sanction of his Government, to the present political state and condition of Poland, the same having been brought about in violation of the Treaty of Vienna to which Great Britain was a party." When the Hungarian Diet at the very gates of Vienna had ventured to protest against the attempt of Russia to blot Poland out of the map of Europe, surely the British House of Commons would not hesitate to act the same liberal part. The world expected of England, and of England's House of Commons, that they should raise their voices against the usurpation thus daringly perpetrated in the face of Europe. It was expected by the whole nation, it was expected by all Europe that the Parliament of Britain should declare its reprobation of the outrage committed against the laws of nations and in violation of a treaty to which Great Britain had been a party. The question before the House was not that they should engage in war, but merely that a declaration to the effect which he had stated, should be put forth, and that they should state, that Russia had been guilty of a shameful infraction of treaties. He felt great difficulty in addressing the House for the third time on this subject, as he feared it would be necessary for him to repeat much that he had already said. The points, however, which he conceived it necessary to establish, and which, by the terms of his Motion, he had undertaken to make out, were—first, that the Treaty of Vienna, to which this country was a party, had been violated by Russia; and secondly, that the House of Commons might, without public inconvenience, be called upon—and that a sense of justice, as well as policy demanded of them—to record their solemn judgment of that transaction. On the first point, he should have little difficulty in satisfying the House that the terms of the Treaty of Vienna, under which the emperor of Russia obtained the sovereignty of Poland, and by which alone he held, or could hold it, had openly, and without disguise—in contempt of the law of nations, and of the authority of the other contracting powers — been broken by the emperor of Russia. He would not trace back the history of Poland to the ages of her former glory; nor dwell upon her services to Europe, in which religion and independence were more than once saved by her valour; nor would he bring back the House to the recollection of her former wrongs, exhibited in that series of nefarious and detestable transactions—the successive partitions of Poland; he would take the affairs of Poland as they stood at the time of the Treaty of Vienna. It was well known, that the question of the restoration of Poland to its ancient independence and power, was entertained by several of the great powers, parties to the Treaty of Vienna; such as England, France, and also Austria, the minister of which declared, that the re-establishment of Poland, as an independent state, with a national administration of its own, would accomplish the wishes of the Emperor of Austria, and that he would be willing to make the greatest sacrifice to promote the restoration of that ancient and beneficial arrangement. The restoration of ancient Poland was, in fact, proposed, and was made a subject of formal deliberation at Vienna among the ambassadors of the great Powers assembled in Congress. When that object could not be accomplished, Lord Castlereagh declared, that it was the wish of England, to see some independent State

(of more or less extent) established in Poland, under a distinct government of its own, as a separation between the three great Powers of Europe. The emperor of Russia proposed, that the duchy of Warsaw should be ceded to him, and become a part of his dominion. Napoleon had just landed from Elba, and the ambassadors being pressed, the conclusion was a compromise. The duchy of Warsaw was ceded to the emperor of Russia, not as an integral part of his empire, but to be erected into a distinct and separate kingdom, upon certain specific conditions, conditions which were essential to, and inseparable from, the holding of Poland in sovereignty by the emperor of Russia. After this had been concluded, Lord Castlereagh, without retracting his former representations with regard to Poland, expressed a hope, that the arrangement proposed by Russia, would not be followed by any interruption to the tranquillity of the North, or the balance of power in Europe. He entreated the Powers, on whom the fate of Poland depended, not to leave Vienna till they had pledged themselves, that the Poles, in their respective dominions, should be treated as Poles; that their customs and manners should be respected. It was thus, he said, that the Poles would become peaceful and contented; and his royal highness the Prince Regent would not have to fear any danger to the liberties of Europe from the union of Poland with the Russian empire; a danger which would not be imaginary, if the military force of the two countries should be united under the command of an ambitious and warlike prince. These were memorable words, and seemed to have been uttered in a prophetic spirit. The Poles, since that period, had not been treated as Poles; their manners and customs had not been respected; an ambitious and warlike prince was at the head of both countries; and the liberties of Europe were endangered. By the Congress of Vienna it was intended that the nationality of Poland should be preserved, both for the happiness of the Poles themselves, and for the security of Europe. It was stipulated, that the duchy of Warsaw should be erected into a distinct and separate kingdom, with a Constitution of its own, and a distinct and separate administration; and that the other Polish provinces should obtain representative and national institutions from the respective Powers to which they were subject. These different stipulations, although they had all been violated since, were guaranteed by the Powers at Vienna, less for the sake of the Poles (for they were not consulted) than for securing the rest of Europe against the dangers contemplated by Lord Castlereagh. The arrangement, uniting the duchy of Warsaw to Russia, was a concession by the other Powers, upon certain conditions, and under certain securities, clearly specified. In the general Acts of Congress, the arrangement respecting Poland was the first in order, as it was admitted to be the first in importance. It was this:—'The duchy of 'Warsaw, with the exception of the pro-'vinces which have been otherwise dis-'posed of, in the following Articles, is 're-united to the empire of Russia. It 'shall be irrevocably bound to it by its 'constitution, and to be possessed by his 'majesty, the emperor of all the Russias, 'his heirs and successors in perpetuity. 'His imperial majesty reserves to himself 'to give to this State, enjoying a distinct 'administration, the territorial extension 'which he shall deem fit; he will take, 'with his other titles, that of "Czar, king 'of Poland," according to the customary 'formula used for his other possessions.' As to the other Poles, it was said:—'The 'Polish subjects of Russia, Austria, and 'Prussia, shall enjoy a representative and 'national institution, regulated according 'to the mode of political existence, which 'each of the governments to which they 'belong, shall judge useful and fitting to 'grant them.' Poland was to be irrevocably bound to Russia, not by hereditary descent, not by conquest, not by right of any description on the part of Russia, but by the constitution secured to it by treaty, and by the concessions of the other Powers. The other Polish provinces were to receive representative and national institutions. It was for the security of Europe, that the duchy of Warsaw was to form an independent kingdom, under the emperor of Russia, but protected and guarded by its constitution, and strengthened by a powerful mass of nationality, contained in the other Polish provinces. It was clear, that Lord Castlereagh looked to this body of Polish feeling and Polish nationality, as a check upon the ambitious designs of Russia, and as a security to Europe against the dangers which might otherwise arise from the union of Poland,

The engagements of the emperor of Russia, that the duchy of Warsaw should be erected into a distinct and separate kingdom, with its own Constitution, and that the other provinces should have representative and national institutions, were engagements made, not with the Poles, but with the other Powers, for the security of Europe. The emperor Alexander, and his brother Nicholas, had subsequently bound themselves, by the most sacred engagements, to the Poles; but the engagements specified by the Treaty of Vienna were entered into with the Powers of Europe, including Great Britain. All those engagements had been broken. The engagements of the emperor of Russia towards the Polish nation might be collected from his own acts. He gave to the kingdom of Poland a constitution, in fulfilment of his engagements with the other Powers. In a letter, addressed by the emperor Alexander to count Ostrowski, president of the Senate, dated the 30th of April, 1815, he said:—'It is with peculiar satisfaction that I 'announce to you, that your destiny is 'about to be fixed by the concurrence of 'all the Powers assembled at the Con-'gress of Vienna. The kingdom of Poland 'shall be united to the empire of Russia 'by the title of its own Constitution, on 'which I am desirous of founding the 'happiness of the country.' And in a proclamation, dated in May, 1815, after enumerating the benefits to be secured by the Constitution—a constitution adapted to their wants, and localities, and their character—Alexander said:—"Such are the advantages which you will enjoy under our dominion, and which you will transmit, as a patriotic inheritance, to your descendants." A free constitution was given to Poland: but it should be remembered, that the duchy of Warsaw, which became the kingdom of Poland, previously had a free constitution; and it had been argued, with some force, that "its constitution," mentioned in the Treaty of Vienna, whereby it was to be united and bound to Russia, was the constitution which it had received when it was erected into an independent State, under the government of the king of Saxony, by the Treaty of Tilsit, and which constitution existed by right at the time of the Treaty of Vienna. It mattered little, whether a constitution then existing, or a constitution promised, was meant by the term of the first article of the latter Treaty. A constitution having been, in fact, given to Poland by the emperor Alexander, the first Diet was opened by a speech from the emperor, containing an important passage, to which he would solicit the attention of the House. Alexander said:—'Your restoration is defined by solemn 'treaties; it is sanctioned by the Consti-'tutional Charter. The inviolability of 'those external engagements, and of the 'fundamental law, assures henceforward 'to Poland an honourable rank among 'the nations of Europe.' The words "Inviolability of external engagements, and of the fundamental law," that was, of the Treaty of Vienna and the Constitutional Charter, through the inviolability of which, Poland was thenceforward to hold an honourable rank among the nations of Europe, deserved great attention. The proclamation of the emperor Nicholas, on his accession to the throne in the year 1825, contained these words:—'We de-'clare to you, that the institutions which 'he (Alexander) gave to you, shall remain 'without any change. I, therefore, pro-'mise, and swear before God, that I will 'observe the Constitutional Act, and that 'I will bestow all my care in maintaining 'the observance of it.' Did any prince upon earth ever contract a more sacred and binding engagement towards his subjects, than the emperors Alexander and Nicholas did, to preserve the constitutional liberties of Poland—and that condition was inseparable from the right to the allegiance of the Polish people. It was provided by the Constitutional Charter, that the successors of Alexander should swear to maintain and execute it to the utmost of their power. The oath of the subject was an oath of fidelity to the king and the Constitutional Charter. They swore allegiance, upon the condition of the king maintaining and executing the charter of their liberties. It would be quite superfluous to repeat the details formerly stated, to show the violations of the Constitution, which were commenced by the emperor Alexander himself, and continued under his successor, till not a vestige of liberty remained in Poland. Unhappy Poland was delivered over to the cruelty and caprice of Constantine, who had been declared unfit to govern the empire, to the throne of which he had, by birth, been destined to succeed. Alexander had, of his own authority, abrogated the article of the Charter, which provided

for the open deliberation of the two Chambers. Constantine imprisoned such of the members as indulged in the constitutional liberty of speech to which they were entitled. The liberty of the Press—the personal liberty of the subject—the independence of the Judges — the regular holding of Diets—the right to impose taxes—in short, every security given to the Poles by their Constitution was annihilated and destroyed. Councils of war were substituted for the constitutional tribunals of the land; and their sentences were set aside, because they were not sufficiently severe;—prisoners were sent from one council of war to another, till a sentence was obtained sufficiently severe to please Constantine. At length, the high court of justice was assembled to try a multitude of the prisoners, with whom the gaols at Warsaw had long been crowded, under the suspicion of offences against the State. They were tried and acquitted; but not discharged—they were sent into Russia, and detained in the fortresses and dungeons of that country, whilst the Judges who had acquitted them were kept under *surveillance* at Warsaw, and publicly reprimanded for having done their duty in a manner which was not approved of by the tyrannical government! This course of tyranny was unrelentingly pursued, till further forbearance was impossible. The Poles had recourse to arms. In the glorious but deadly struggle which ensued, they were defeated; but not till they had performed deeds of valour, and heroic devotion, such as, in the same period of time, were not to be equalled in number, or in brilliancy, in the history of any nation. Poland, abandoned by the rest of Europe, succumbed in a contest against a power which she had miraculously, for ten months, single-handed and successfully, resisted. Had England and France, during that period, made a bold and decided demonstration in favour of Poland, the independence of that country might have been preserved. That they had a right to interfere could not be questioned, any more than the policy which would have dictated such interference could. Before the taking of Warsaw, the Poles received encouragement from France. They were told, "Hold out for two months, and you will be acknowledged by Europe." The address of the Chamber of Deputies of France, in July, 1831, in accordance with the speech of the king, conveyed the assurance, that "the nationality of Poland should not perish." On the 19th of September, of the same year, general Sebastiani, the minister for foreign affairs, said, in the Chamber of Deputies, 'that the French government 'had given the Court of St. Petersburgh 'to understand, that the stipulation of 'the Congress of Vienna had created a 'kingdom, and that that kingdom of 'European creation ought to continue to 'exist; that, on that very day, the government had received assurances from 'St. Petersburgh, that Poland should be 'preserved; and that, therefore, the assurances made by the Chamber, that 'the nationality of Poland should not 'perish, the formal and reiterated promises of the emperor authorized to be 'considered as well founded.' In March, 1832, M. Casimir Perier, that great minister, whose loss France still deplored, in the Chamber of Deputies, expressed himself thus:—'One political question, only, 'arises out of these events—that of the 'nationality of Poland. It is the question 'of the maintenance of treaties. By the 'result of these events, Poland is, in fact, 'subject to a provisional *regime*, but she 'has not lost the rights which she holds 'under treaties.' Almost at the moment when this speech was uttered by the prime minister of France, and when Europe had received so many, and such solemn assurances, that the nationality of Poland should be preserved, the emperor of Russia, utterly regardless even of his own promises, promulgated his famous "Organic Statute," whereby those treaties were torn in pieces, and the rights of Poland and her nationality were sought to be for ever extinguished. But the rights of Poland were not lost. "Facts change," as was well said by M. Bignon, in his amendment to the address to the king, in the Chamber of Deputies—"Facts change, but right and justice cannot change." The Organic Statute was accompanied by a Manifesto, wherein the emperor of Russia stated the return of his misled subjects to their duties, and the restoration of public tranquillity. And what did he, in consequence, resolve? To restore to the nation her constitutional liberties? No; he resolved, that "a new form and order of things should be introduced into Poland." The Constitutional Charter, to the observance of which he had sworn, was to be taken away, and the nationality of Poland,

which that Charter, and the Treaty upon which it was founded, had guarded and secured, was to be annihilated for ever. Hon. Members might easily satisfy themselves, by the slightest reference to the Organic Statute and the Charter, that the Constitution of Poland was, in every material point, subverted and destroyed by the provisions of the former. It was not even contended, that the Constitution of Poland, and the liberties intended to be secured by it, were not taken away by Nicholas; it was said, that he had a right to take away the constitution to which he had sworn—to strip of their liberties a whole nation, because part of it had rebelled—though tranquillity had been restored, and the misled had returned to their duties. It had been also said, that although the constitution was taken away, the nationality was not destroyed. What! a people once free, left without a constitution, and without a legislature! Was that not sufficient to extinguish its nationality? If the parliament of Scotland or of Ireland had been forcibly taken from them, in consequence of insurrection or rebellion, could it be said, that although their parliaments had been destroyed, their nationality was preserved? Rebellions had broken out and been suppressed in Scotland and in Ireland, yet their constitutions survived. But what signified to Russia the constitution or the nationality of Poland, the law of nations, or the faith of treaties? Russia arrogated to herself the right, by her own authority, without conference, or even communication, with other contracting Powers, to reject the stipulations of the most solemn treaties; assuming a supremacy in Europe, insulting those other Powers, and endangering the security and independence of every State. But how had Nicholas observed the terms of the Organic Statute itself? The Catholic religion was placed under the special protection of the State. Had it been protected? No; its property had been confiscated—its churches plundered—its priests persecuted—its religious institutions suppressed—its schools shut up; in short, every species of persecution exercised towards that religion which was to be specially protected. By the Organic Statute no one was to be arrested or judged but by the forms prescribed by law; yet the governor of Warsaw had been authorized, by a ukase of the emperor, to send whom he pleased to be tried by councils of war. Had the atrocities—some of which, on a former occasion, he had detailed to the House—ceased since the promulgation of the Organic Statute? So far from it, that they had gone on increasing in number and enormity. On a former occasion he had mentioned the carrying away of children; not on light authority—not on vague rumour, nor on the loose statements of newspapers—but upon original and authentic information, which had since, on every point, been confirmed. The right hon. Baronet, the member for Tamworth, had doubted the correctness of his statement; but he would satisfy the right hon. Member, by official documents, that orders had been given which could have no other result, and that atrocities, such as he had stated, had been continued up to the very last accounts received, and were the necessary consequence of the execution of those orders. The orders themselves, independently of the execution of them, were barbarous, unnatural, and cruel. The first which he would mention was, an official communication from the chief of the general staff, Gorcrakoff, general aide-de-camp of the emperor, addressed to the councillor of state, Tymowski, exercising the functions of secretary of state in the Council of Administration of the kingdom of Poland. It was dated the 24th of March, 1832, and was in these terms:—'The chief of the staff in the military 'colonies, general Tolsty, communicated, 'on the 19th February last, to the com-'mander-in-chief of the army, the order 'of his majesty the emperor, to collect 'together, in the kingdom of Poland, all 'the male vagrant, orphan, and poor 'children, to direct them towards Minsk, 'and there to deliver them to the com-'manders of the garrison, that they 'might be placed in the battalions of 'military cantonists, and sent to the 'places pointed out by the regulation 'of the general staff of the military 'colonies. The Commander-in-chief of 'the active army has ordered all the 'military commanders of the Palatinates 'to execute rigorously the order.' A copy of the order issued by his Highness, the Prince Lieutenant of the kingdom, was at the same time communicated to the Governor of Podolia, in order that it might be presented at the sitting of the Council. On the 29th of March (10th of

April), the Council assembled, and in the *procès verbal* of their sitting, the foregoing communication was referred to, as containing the order of his Majesty the emperor, to seize, in the kingdom of Poland, the male vagrant, orphan, and poor children, and to send them to Minsk, in order that they might be placed in the battalions of the military cantonists, and afterwards despatched for the colonial companies. Then, again, there was an order of the Commander-in-chief, Prince Paskewitsch, which stated, that all the infants, male vagrant, orphan, or poor in Poland, should be incorporated in the battalion of the military cantonists. All male infants, vagrant, orphan, or poor! What a frightful latitude given to the agents charged with the execution of these inhuman orders! It was sufficient that the children should be deemed by them to be vagrants, orphans, or poor. Nineteen-twentieths of the infants in Warsaw and in Poland might be brought within one or other of these denominations. Orphans were such as had lost their father: it mattered not that their mother remained to them, or what was their means of support,—they were considered orphans, and, included in the terms of the order. The right hon. Baronet, the member for Tamworth, stated on a former occasion, that he had it from authentic information, that the children carried away were orphans,—made orphans by the calamities of war,—and that they had been placed in Russian schools, not for the purpose of separating them from their parents, for they had none,—but for the purpose of providing for their helplessness and giving them education. The right hon. Baronet, whose observations were always entitled to respect, would find, that the information he had received was incorrect; and that other Polish children, and in great numbers, besides orphans, had been carried away, and sent to the military colonies of Russia, not for education,—for that they might have had in Poland, — but that they might become Russians, and forget their country. Look also at the means taken to carry these orders into execution. A notice was published by the Administration of Warsaw, stating that as his imperial majesty, in his paternal solicitude, was desirous of coming to the relief of his indigent subjects, all parents whose means were inadequate to the maintenance of their children were invited to inscribe their names in a register to be opened for that purpose. It might well be imagined that the number was not small of the inhabitants of Warsaw who were desirous of obtaining, and who were in a situation to require, assistance for the maintenance of their children. Numerous applications having been made, and the names of the children of such parents as had applied having been inscribed on the register, would it be credited that those lists were resorted to, not for the purpose of administering relief, and affording assistance to the parents to maintain their children, but to enable the public officers to proceed to carry off the children whose names had been so inscribed? Never was there a more nefarious system of kidnapping resorted to in any country. In the beginning of the month of May, 600 children were carried away in the night in four different detachments. On the 17th of May a convoy of children was despatched in open day. Every where were heard the cries and lamentations of the unhappy mothers running after the waggons on which their children were placed, some of them attempting to throw themselves under the wheels, that they might not outlive the separation from all that was dear to them in the world. It was there that might have been heard the exclamation of the Polish mother which had resounded throughout Europe.—"Oh! that he could be drowned in our tears!" On the 18th, the children found in the streets at work, or selling different wares, were carried off; and, on the 19th, the parochial and charity schools, and the orphan institution, called the Infant Jesus, in which alone there were several hundred children, were emptied, and the whole of their infant inmates hurried away, never to return. That many must have perished on the march could not well be doubted, for the caravan could not stop for them, if taken sick, or worn out with fatigue; but this was not a matter of conjecture. Eye-witnesses had borne testimony to their having seen the dead bodies of children extended near the public roads, near to the crust of bread which had been left with them, but which they had not had the strength to touch. Nature had no part in the death of those unhappy children—those slaughtered innocents. Oh! since the days of Herod no such scenes had been acted on the theatre of the world! To add, if possible, to the frightful picture,

it was stated, that notwithstanding the loss of children, calculated to be upwards of three-fourths during the journey, the number arrived almost complete, as the Cossacks seized and carried off any children they met with, to replace those who had died during the journey, and that the account current of death and robbery was settled daily. The latter fact, of the replacing of children by the robbery of others was stated in accounts which had obtained credit; but the fact of the enormous loss of children by death was ascertained beyond a doubt; and, indeed, must necessarily have ensued to a great extent, from the nature of the transaction itself. But the forcible abduction of children, in the manner stated, was not all that Poland suffered from this horrible system. There appeared to be a regular conscription of children of all ranks. The letter to which he was about to refer was from a Polish father—a man of rank, and an exile from his country. It stated, that he had just learnt, that by an order which there was no means of resisting, his son, a child of tender years, had been taken from his home to be sent to join a corps of cadets in a distant part of Russia. He continued thus:—'I have lost my 'child! The only consolation which could 'flatter me with hope—could mitigate the 'pains of exile, and the thousand adver- 'sities and sufferings of my sad existence '—has been torn from me. There remains 'only for me to make this vow, as I do it 'sincerely, that my son may die, before 'they can make him forget that he is a Pole, 'and of right free, or that they shall be 'able to make of him a machine of Russian 'despotism. This vow, I trust, will be 'heard in heaven, and that Divine Provid- 'ence will preserve in the bosom of my son 'the sentiments of his father.' These were the sentiments of every Pole; never, no never, could they be eradicated from his breast. He might be exterminated, but he would still die a Pole. The indignities offered to the Poles of every rank had not been diminished, if they had not increased, since he had last had the honour of addressing the House. He had then mentioned the treatment of a noble youth, Prince Roman Tangousky. An additional fact on that subject had been related: the Prince condemned to be degraded from his rank and name, and to be sent "on foot" (the addition made to the sentence with his own hand by the emperor himself) to Siberia, there to work in the mines, being about to depart on this journey of eight months, chained with convicts, and branded on the back with a number like a beast, was desirous of receiving the consolation of his religion. Being, like his countrymen, a sincere Catholic, he desired that a priest of that persuasion might be permitted to attend him for the purpose of confession. He was answered, "You are a serf, and the religion of a serf is the religion of his master." This request was refused, and a Greek priest was sent to him, whose ministry was of course rejected. Another outrage was "the transplantation of families." This had taken place in the Polish province to which a representation and national institution had been promised by the Treaty of Vienna, and which treaty had been as grossly violated by Russia, in respect of the provinces, as of the kingdom of Poland. The first official document, by which the transplantation of families, as it was called, was ordered and regulated, was an order addressed by the Minister of Finance to the Governor of Podolia, dated the 9th (21st) of November, 1831; in these terms:—'His majesty, the emperor, has 'deigned to issue a supreme order to make 'the necessary regulations for transplant- 'ing, in the first instance, 5,000 families 'of Polish gentlemen of the government of 'Podolia to the Steppes of Tartary, and, in 'preference, on the line, or in the district 'of Caucasus, that those transplanted may 'be enrolled in the public services.' It would, of course, be expected that the persons so sent should be criminals under the sentence of the law, and that this transplanting was intended in mercy, as a commutation of a sentence which would otherwise have been carried into execution. Not at all. The official documents said, 'To effect the said transplantation, there 'must be chosen, first, persons who, hav- 'ing taken part in the late insurrection, 'have returned within the time fixed to 'testify their repentance—those, also, who 'have been comprised in the third class of 'offenders, and who, in consequence, have 'obtained the grace and pardon of his 'Majesty. Secondly, the persons whose 'manner of living, in the opinion of the 'local authorities, excite the distrust of 'the Government.' Those persons who had come in under the faith of the amnesty of the emperor, who had been pardoned, and were as if they had never

offended, and persons whom the local authorities looked to with distrust—that meant, all persons whom they chose, at their discretion, to select for punishment—were, with their families, to be the victims of this barbarous order. The order went on to enjoin the governor of Podolia as follows:—'Your excellency will make 'use of all necessary means (without publishing or making known the tenor of this 'order) to register the families that are to 'be transplanted, in order that you may 'begin, without delay, the execution of 'this order, according to the rules which 'will be afterwards communicated to you.' In the answer of the governor of Podolia, dated the 29th of November (11th December 1831), he divided the Polish gentlemen into four classes, ending with the advocates and men of the law, whose interest, it was stated,—'is to prolong civil 'suits: who acquire their fortunes to the 'injury of the citizens, and possess so 'much more influence over them; and it 'is desirable, for the good even of the 'country, that their number should be 'immediately diminished by transplanta-'tion.' He was sorry he did not see his friend, the Solicitor-General, in the House, that he might ask him his opinion on this part of the case. The class of proprietors was not much better treated than that of the gentlemen of the long robe; for it was stated in the order, that that class did not promise much good for the prosperity of the country. But all classes of gentlemen seemed to have been equally subject to this order; although pardoned, amnestied, and suspected persons were in preference to be selected, at all events, 5,000 families in the first instance were to be transplanted from the province of Podolia alone. But the transplanting was not to be confined to the province of Podolia. By an order of the Minister of the Interior, it was extended to the whole of the provinces. This order dated the 6th (18th) of April 1832, stated that his Majesty, in confirming the regulation that had been made, had deigned to add, in his own hand-writing, that those regulations were to serve not only for the government of Podolia, but for all the eastern governments. The number of provinces was eight, and thus the number of families to be transplanted "in the first instance," from the Polish provinces, was 40,000. It had already been executed in the case of the province of Podolia, and was now in the course of execution in the other provinces. It might be added, that the order last referred to, stated that his Majesty had ordained, that in no one case would the government be responsible for the debts of the persons transplanted; nevertheless, those who were to be transplanted should not be previously apprized of it; that the creditors should act according to the laws, but that that should be no obstacle to transplantation. Another order of the minister of the interior to the governor of Podolia, of the 14th (26th) of August 1832, stated, that the governor of Caucasus had received a supreme order to be ready to receive the *ci-devant* Polish gentlemen destined to be incorporated into the corps of Cossacs, and added: "If the Polish gentlemen have no desire to be transplanted, you are authorized to constrain them to do so by force." These orders were given to root up 40,000 families from their native soil; to carry them off by force, without notice, to remote and barbarous regions. Transplant they could not. They might root up and destroy; but the plant would never take root again. The Pole would perish, but never would become a Russian. Never were the horrors of despotism depicted in their native colours more truly, than in the official orders which he had read, and in the acts which he had related; and he would leave these detestable proceedings to the indignation and disgust which they must excite in every human breast. But he would next refer to a document called an amnesty, for which the clemency of the emperor of Russia had been much lauded. It was dated the 7th of June, of the present year, and respected the officers and others of the former Polish army, then in Russia. It stated, that the emperor had, on the 20th of October, 1831, granted a most gracious amnesty, from which he had not excluded the superior officers of the Polish army, who had participated in the clemency shown to the less guilty, "their punishment" (mark the word "punishment,") being confined to their being conveyed into the interior of Russia." It then granted leave to all such persons, and the officers of all ranks, of the former Polish army (with some exceptions) who had been removed from Poland, and had not been taken into the Russian service (or in other words forced into the Russian service), to return to their country. This was, in fact, an amnesty to persons who

had been already amnestied, and who had been detained in Russia, in violation of the former amnesty. But it was very doubtful whether these persons would be willing to avail themselves of this new amnesty, whilst Poland remained under its present government. There were 1,000 Polish soldiers who preferred working with convicts at the fortifications of Russia to returning to their country under its present tyranny. He hoped he had clearly shown, that Russia had violated a treaty to which this country was a party—had broken her solemn engagements with Great Britain and the other Powers of Europe. That this breach of treaty involved in it consequences dangerous to the security and independence of Europe could not well be doubted. The subjugation of Poland left Russia at full liberty to pursue her schemes of aggrandizement, and to advance, with rapid strides, towards that unusual domination in the affairs of Europe, which she looked to as the means not merely of increasing her own power, but of subverting the independence of all free states, and destroying all free institutions. The foreign policy of Russia, founded on a system which knew no change, had, during more than half a century, been pursued with a steadiness, an ability, and a success unequalled, in the history of modern times. Her territories had been extended on every side—everywhere Russia was to be found—and everywhere her power and influence were dominant. She was more than suspected of having encouraged the king of Holland to resist the settlement of the Belgic question. No one could believe, that if she had been sincere in her wishes for that settlement, and had pressed with the force of her influence on the king of Holland—as for an object, in the success of which she herself felt an interest—the question between Holland and Belgium would not have been settled at an early period, and much expense of blood and treasure would have been saved. It was curious to observe, in reference to the policy of Russia respecting Belgium, that the convention between that power and Great Britain, for the continuation of the payment of the Russo-Dutch loan of the 16th of November, 1831, recited, that the object of the former convention was to afford, on the one hand, to Great Britain, a guarantee that Russia would, in all questions concerning Belgium, identify her policy with that of Great Britain; and, on the other hand, to secure to Russia the payment of a portion of her just debt, "in consideration—(let the House mark this well) in consideration of the general arrangements of the Congress of Vienna, to which she had given her adhesion—arrangements which remain in full force." So that whilst Russia was trampling under foot the Treaty of Vienna, we paid her our money in consideration of the general arrangements of the Congress of Vienna, and of her having given her adhesion to that treaty, and of its remaining in full force? Was not the nationality of Poland a part of the general arrangements of the Treaty of Vienna; and was it not a mockery to speak of the adhesion of the emperor of Russia to those general arrangements, and of their remaining in full force? In Germany, Russia was seen aiding and abetting, and protecting Austria and Prussia in their attempt to crush the liberties of that country, whilst she intrigued in the same cause in Portugal and in Spain. In respect to Austria and Prussia, she maintained a supremacy over those powers, apparent in every public transaction that occurred in the north of Europe; and whilst she was suffered to destroy Poland, in the independence of which Austria and Prussia were so peculiarly interested, she seemed to meet with no opposition from them in her designs on Turkey. Whilst the other powers of Europe seemed sunk in security and repose, Russia, with her fleets and armies, appeared suddenly in the Bosphorus as the ally and protector of the Sultan, whose dominions were at her mercy, and would be incorporated into her empire, as Poland had been, whenever it might suit the views of her policy. She commanded in Persia still more absolutely than in Turkey; and she turned her views, beyond all question, towards our Indian possessions, for the dominion of which, should Russia meet with no check in her career, we might yet have to fight on the plains of Hindoostan. The master principle of Russian policy was its fearlessness. She violated treaties, put her will in the place of the law of nations, and set the nations of Europe at defiance. Whilst a voice was not raised—he had almost said dared not be raised—above a whisper by other nations, lest it should involve them in a war with Russia, she broke her solemn compacts with other powers, and had no

such fear. She gave just cause of war, and war was not made upon her; nor did he call for war now. What then did his Motion call for? Not for war certainly—not for a demonstration of war—not even for a remonstrance—but he wished the House to call upon the Government to abstain from any act by which the present state of Poland might be recognised, or treated as a part of the law of nations, or of the admitted system of European policy. That the emperor of Russia would attempt to obtain the recognition of the other Powers of Europe to the great change in the public law of Europe, which of his own authority he had made, could not be doubted; that he would obtain the recognition of some of the Powers of Europe, if they had not in fact already recognized that change, was possible. But France and England would never submit to such a degradation. They would not, he trusted, even be guilty of a silent acquiescence in that usurpation. He called on the House of Commons of England to proclaim, in the face of their country and of Europe, their sense of this flagrant violation of a treaty, and of the law of nations. Let not the rights of Poland, by treaty, and by the law of nations, still in full force and untouched, be affected, or weakened by the formal or even silent acquiescence of this country, in those acts by which it was attempted to destroy them. If nothing could be done for Poland at the present moment, let her wait for events, and rest upon her rights. Let the rights of France and England, in respect of this great question, also continue unimpaired,—and the fate of Poland might yet be changed. Sooner or later the Powers of Europe must intervene, to put an end to the state of things that now existed in Poland. The civilized world could not suffer it to go on. Had the war been protracted, and had it continued to the present time, those Powers would have intervened to stop the effusion of human blood. Well! the war did continue, and blood still flowed. It was true, that it was the blood of the vanquished; but humanity commanded that that blood should cease to flow. Nicholas had one of two courses to pursue—unbounded clemency towards the Poles, or their extirpation as a people. He embraced the latter course—he had pursued it, until it had become a system—a system of necessity: reconciliation he had rendered impossible; every Pole must become a Russian, or he must die; resistance everywhere appeared where resistance was possible—where it was not, the sentiment of resistance remained, and waited only for the opportunity of showing itself in action. It was a war of extermination—nothing could end it, but the intervention of the other Powers of Europe. Belgium was thought deserving of that intervention. The affair of Belgium, in the eye of a statesman, was of parochial importance compared with that of Poland. His Motion tended in that direction. He desired the British Government to abstain from any act which might fetter them in their course towards the object which they could not but desire—the restoration of Poland. He entreated them not to oppose this motion. The nation had its eyes upon them; the Press was unanimous in favour of the cause of Poland. This was a circumstance which proved above all others, the general interest which was taken in the question by the people of this country. In the town of Hull, a periodical publication of great merit, the *Polish Record*, was exclusively directed to that cause. There was no other example of the kind in this or any other country. Let not Ministers resist, either by a direct negative or by the previous question, the Motion which he had to submit to the House. If it was to be opposed, let it be opposed by a direct negative, and not by the previous question. Let his Motion be negatived, if he had not made out his case; but if he had, he asked the support of Ministers. If he could not obtain this, he would ask his noble friend, the Secretary for Foreign Affairs, to follow the example of the Duc de Broglio, in the Chamber of Deputies of France. So late as the 3rd of December last, M. Bignon (one of the first of French diplomatists, a person, too, whose character stood deservedly high, not merely for his excellent talent, but for the moderation and good sense for which he was distinguished) moved an amendment to the address to the king, in which amendment the cause of Polish nationality was stated to be "guaranteed by the law of nations and by treaty," and it conveyed the sense of the Chamber that both had been violated by the emperor of Russia. The Duc de Broglio, minister for foreign affairs, did not oppose this amendment—

he said the government referred itself in that respect to the wisdom of the Chamber. He would ask his Majesty's Government to do the same in this instance, and he could have no fear as to the fate of his Motion. If the noble person, now at the head of the Government of the country, whom he respected above all living statesmen—a man who, during a public life of half a century, had at all times shown himself the protector of the oppressed, and the enemy of the oppressor,—were now a Member of that House, of which he was long so distinguished an ornament; —he should not hesitate, for a moment, in claiming his support, and should be confident of obtaining it. He would call the attention of the House to the Address moved by Lord Grey, on the 21st of February, 1793. It was shortly after the second partition of Poland, and ran thus:—'We have been called upon to 'resist views of conquest and aggrandize-'ment on the part of France. We admit 'that it is the interest and duty of every 'member of the commonwealth of Eu-'rope to support the established system 'and distribution of power among the 'independent sovereignties which actually 'subsist, and to prevent the aggrandize-'ment of any state, especially the most 'powerful, at the expense of any other; 'and for the honour of his Majesty's 'Councils, we do most earnestly wish, that 'the Ministers had manifested a just sense 'of the importance of the principle to 'which they now appeal, in the course 'of late events which seemed to us to 'threaten destruction. When Poland 'was beginning to recover from the long 'calamities of anarchy, combined with 'oppression—after she had established an 'hereditary and limited monarchy like our 'own, and was peaceably employed in 'settling her internal government, his 'Majesty's Ministers, with apparent in-'difference and unconcern, have seen her 'become the victim of the most unpro-'voked and unprincipled invasion;—her 'territory overrun—her free constitution 'subverted—her national independence 'annihilated—and the general principles 'of the security of nations wounded 'through her side.'* He would ask the friends and supporters, and colleagues of Lord Grey, would they resist his Motion? He earnestly trusted that they would not. He trusted that they would see, that their character, and that of the Government was at stake. But, above all, he looked for support to the independent Members of that House—he called upon them to speak the sense of the whole of the Commons of England, by pronouncing judgment on a question in which were involved not only the rights of the Polish nation, and the national peace of this country, but the cause of freedom throughout the world. He should move,—"That an humble Address be presented to his Majesty, praying that his Majesty will be pleased not to recognise, or in any way give the sanction of his Government to the present political state and condition of Poland, the same having been brought about in violation of the Treaty of Vienna, to which Great Britain was a party."

Mr. *Thomas Attwood* seconded the Motion. The history of Poland inspired the most heroic sentiments. So imbued was her soil with the blood of Patriots, that John Sobieski once said, if you grasp a handful of it, it will distil drops of gore. It was customary in England to speak of Poland as a land of slaves. But it was a great mistake to suppose that slavery was common in Poland. That kingdom had never been reduced to slavery. There was no word in the language to express "slave;" they had no nearer approach to it than the words expressing "prisoner of war." It was only from choice the serf was attached to the soil—not from the operation of slavery. Poland had suffered much—she had contended in many wars—she had attained most glorious distinction; but she had, till her friends destroyed her, always been free. The very motto which had been adopted by Poland, and which, he hoped, would yet bring her through her difficulties, proved the love of liberty—"Poland is not lost as long as we have life." Poland had always, until the usurpation of Russia, enjoyed national and political independence. He would not speak of the horrible cruelties of the emperor Nicholas, he would only remind the House of the vast encroachments of Russia, and of the necessity of England, for her own safety, setting bounds to the further aggrandisement of the barbarian. He had, within the last 150 years extended his arms on all sides, and now embraced half the world. England ought now to interfere, because, as the hon. and learned Member had

* Parliamentary History, xxx. p. 456.

proved, she was a party to the Treaty of Vienna, and by that Treaty the independence of Poland was guaranteed. The duchy of Warsaw was attached to Russia. Hanover was attached to England by the golden link of the crown, but was independent of her Government. By what right did Russia destroy that independence, and set at nought all the treaties of Vienna? By the violation of the Treaty of Vienna, the insurrection of the Poles was no rebellion. It might be said, that the Poles should have appealed to England: but had they done so, they would have been punished by the Russians with the knout. Hon. Members probably knew but little of the nature of this terrible punishment. It was an instrument of torture, which, he trusted, would never be applied to Englishmen, though, he must say, they would deserve it, if they should yield to the encroachments which Russia was endeavouring to make on all Europe. Hon. Gentlemen might not be aware, that the knout was about seven times as severe an instrument of torture as the cat used in this country, and the only good he (Mr. Attwood) knew of it was, that in the hands of a skilful executioner it would kill a man, and end his miseries, in three blows. It was Russia which rebelled against principle, and against all the powers of Europe, and not the Poles who rebelled against Russia. Such were the horrible outrages committed by the Russians against the Poles, violating the laws, extorting their property, refusing them all redress, ever punishing the judges when they objected to be the instruments of tyranny—that the Poles had no alternative but to take up arms or submit to a degree of tyranny which would first have degraded, and ultimately have extirpated the people. France was, perhaps, under greater obligations to Poland than England, for resisting the northern barbarians in 1782, and, therefore, greater shame was to her than to England for not having interfered. But we had shame enough. A declaration had been made by the French king, and followed up by his ministry in 1831, of their intention to maintain the nationality of Poland, and a similar sentiment had been expressed by the noble Lord, the Chancellor of the Exchequer, and the noble Lord, the Secretary at the head of Foreign Affairs, in April, 1832; yet nothing had been done. A French gentleman deputed by the French cabinet, had, he understood, asked our Cabinet to join the French in going to war, and he received a decided negative. The Government ought to have demanded of Russia that she should discharge her duty in the same honourable and upright manner that we had done ours—to fulfil her treaties in the same manner as we had kept our compacts. It was very probable that Russia would have refused, but if England sent a fleet to the Baltic, and another to the Black Sea, it would have been impossible for Russia to have resisted such a force. If this had been done, he was satisfied Poland would have been restored to the Poland of 1772. Russia, however, was allowed to pursue her own course. He could not think, without regret and disgust, upon the series of insults, which England had endured from that Power. He had warned the noble Lord opposite last year, that Constantinople was in danger. The noble Lord disregarded the warning. Constantinople was now in the possession of the Russians. Scutari was also in their hands, and before long they would obtain possession of the Castles of the Dardanelles, which it would cost this country 100,000,000*l.* of money to wrest from them. But recover them she must, if she would not see the Russian arms paramount all over Europe. Gentlemen were very ready to resent any thing which might be said in that House affecting their honour. Why were they not equally sensitive with regard to the honour of their country? The giant Russia was at present weak, but, once possessed of the Dardanelles, she would indeed become truly formidable. Now, then, he would say, was the time to strike, when in a moment Persia could be raised against her, and Poland would not be inert, and Russsia might be broken like a potter's vessel. But give her fifty years, and her empire would acquire cohesion and unity, and she would become irresistible. The hon. Member then, entered at great length into a history of the past conduct of Russia; contending, that she had for a series of years, insulted England and aggrandized herself, at the expense of honour and humanity. In 1827, he said, Russia had entered into a treaty with France and England, stipulating that they should assist her in compelling Turkey to give independence to Greece, each party binding itself not to seek for any private advantage. But no sooner was this com-

pact entered into, than Russia seduced England to destroy the Turkish fleet at Navarino. She immediately set France and England at defiance, and declared war upon Turkey. The treaty was entered into in December 1827, and this violation took place in April, 1828. The Duke of Wellington remonstrated against this abandonment of all national good faith, but the only satisfaction he received from Nesselrode was, that Russia would confine the war to the Black Sea. Notwithstanding the stipulations of December, 1827, she now declared that she had commenced hostilities, not to compel Turkey to emancipate Greece, but on account of her own quarrel, which had subsisted since the treaty of Bucharest. Having declared that she would not carry the war into the Mediterranean, she again broke her word, within three months from the time she pledged it, by ordering a fleet to blockade the Dardanelles. All this the Duke of Wellington pocketed. And yet this was the man who went out to fight duels. Would to God that he were as much alive to insults offered to the honour of his country, as to those which affected his own honour as an individual. The Duke of Wellington took credit to himself for having saved Constantinople from the Russians at that time, and he believed, that such was the case. But of what use was it to preserve Constantinople from the Russians in 1829, if it was to fall into their hands in 1833. He wished the Duke of Wellington had stopped Russia at the Pruth. It would have been as easy to stop her there as at Adrianople. It was said, that if we interfered in behalf of Poland or Turkey, it would lead to a general war. He did not believe it would. He believed the present state of things more likely to lead to a general war. If England, supported by France, and, as he took for granted, she would be by Austria, said to Russia, "You shall deliver up Turkey and Poland," she would meet with no resistance—she could command Russia to do what she pleased. But, even supposing it should lead to a general war—if we could not preserve the honour and the political interests of England without war, let war come. We had never shrunk from war before, why should we now? Russia was ready to go to war, although her resources would not bear any comparison with ours. Why then should we fear to go to war? Was it that the people of England could not pay the taxes? Whose fault was that?—He had evidence that the people could, under a proper system of Government, pay 40,000,000*l.* of taxes per annum more than at present, with less suffering. Did Gentlemen recollect that the people had paid 80,000,000*l.* a-year, for three years together during the war. And did they then suffer more than at present, paying 45,000,000*l.* The Government had emasculated England. He would tell his Majesty's Ministers, that they were no Government for the people of England, unless they were prepared to go to war if necessary, or to protect the honour and interests of the country without war. The people did not want war for its own sake; but they wished to protect the honour and the political interests of the country, and they would protect them under this Government, or under another. It was not thirty-five years since Mr. Pitt declared, that sooner than let Russia have a single village on the Black Sea, he would risk the whole empire on a war. The words Mr. Pitt used were, *toto imperio certare:* and such was the interpretation which he affixed to those words; and yet we are now going to let the Russians have the whole of the Black Sea, and the whole of the Turkish empire! Did hon. Gentlemen recollect, that, seventy or eighty years ago, a poor English sailor came home from the Havannah, and told a piteous story of the injuries he had received, and of the manner in which he had been tortured by the Spaniards. He said to this House that—"in his agonies he commended his soul to God, and looked up to his country for revenge." How did that House act? Why, they one and all took up his cause, and, upon this single insult, war was declared against Spain, and carried to a triumphant issue. He was rather surprised to see the present hydrophobic dread of war; he suspected it was a mere fear of the fall of Consols; he would rather see Consols abolished than the honour of England insulted. But he was quite satisfied, that if this country once took its proper stand, and resolutely declared that the system of Russia should have an end, Russia, with her nobles, would at once submit—the march of tyranny would be stopped—and the ruthless hand of oppression would be stayed. But, if Europe remained quiet, if England and France did not combine, it was in vain to expect that Russia would not go on, step

by step, increasing her power and committing new enormities. If this state of things was to go on, what was to prevent Austria from falling under the *surveillance* of Russia? What was to prevent Austria becoming as much a part of Russia as Poland was, if Russia exercised a despotic influence uncontrolled and unrestrained over Turkey? She would embrace Austria in a crescent. On the present occasion, the Resolution which had been moved by the hon. and learned Gentleman, the member for Kirkcudbright, was so very moderate, so prudent, and so guarded, that he hoped there was no Gentleman in this House who would oppose it. He trusted the noble Lord would not oppose it, and would use his influence to prevent its being negatived. No man could possibly be more attached to the noble Lord and the Ministry than he was, until they brought forward the Coercion Bill for Ireland, and no one would more willingly forget and forgive than he would, if they would revert to their old sentiments, and return to the support of the great cause of liberty and humanity all over the world! He should then be their humble follower and advocate; and they would have no more sincere, zealous, and ready supporter; and he was sure, that in such a case they would have the support of the people. The people of England were rich and powerful, and full of virtue and public spirit; and was it possible after voting a sum of 20,000,000*l.* to save 800,000 negroes (a vote of which he approved), that we could not spare one-tenth of the money to save 20,000,000 of Poles. He did not wish to undervalue any portion of the human race, but he did not hesitate to say, that for the life of one Pole he would sacrifice the lives of ten of these negroes. He knew, that in the eye of the law a negroe a Pole, and an Englishman, were all equal, but in the eye of honour and humanity, and common sense, these uneducated black men could not be placed upon a level with a gallant, intelligent, and a noble race. The persecution which many noble Poles endured, was as bad as the worst sufferings that the slaves were compelled to undergo. The hon. Gentleman then read a paper with which he had the honour to be intrusted, being an address to the Representatives of Great Britain and Ireland, from the National Polish Committee, depicting the unhappy condition of their country, and imploring them to lift up their voice in behalf of Poland. It was dated, he said, Paris, June 30th, 1833, and was signed by the celebrated General Dwernicki and a committee of glorious patriots. He hoped the House would not turn a deaf ear to this affecting appeal. He said, with truth and sincerity, that any sacrifice that he could make as a man, he would most readily make, to regain the liberties and the independence of Poland. He had four sons, and if their services, or even their lives could benefit the cause of the Poles, to that cause they should willingly be devoted. He was sure the majority of the English people entertained similar opinions. He hoped the House would not be behind the people in honour and liberality. He could not believe, that the Reformed House of Commons would separate, without expressing in a voice of thunder, and in a way that could not be misunderstood, the determination that Poland should be free. The hon. Gentleman also read an extract from the "Official Gazette" of Moscow, which spoke of the impotence of England, encumbered as she was with debt. He hoped, that these repeated insults would not be submitted to. They could not be, without degrading England. The hon. Member again repeated, that England was better able to sustain the exertion of war than Russia. He hoped, that the name of William 4th would not go down to posterity, with the stigma of having tamely endured the overbearing insulting conduct of Russia. Insulted humanity, the true policy of England, the outraged liberty of Europe—all called upon the people of this country to interfere. He hoped and trusted, that where such great interests were at stake, that call would not be disregarded. The House was merely required by the Resolution to address the Sovereign, requesting him not to do that which he had not done—not to give his sanction to the present state of Poland. They would thus only confirm his Majesty's own conduct, and suggest to him to express, in a little bolder and more decided language, the sentiments of his royal mind. Let his Majesty's wishes be strengthened by the declaration of Parliament, and encouraged by that to declare to Russia, that he would never recognize the present political state of Poland, and that sooner or later she must be restored to the state in which she existed, as to liberty and independence, in 1772. He called on Ministers not to

suffer the barbarian power to fortify itself at Scutari, but, if necessary, to send an English fleet and an English army to drive the Russians away. He hoped, that the Ministers would not move the previous question on the Resolution, and if they did, he prayed that they might be defeated. He again repeated, that the cause of Poland was the cause of liberty and humanity; and as England must fight against Russia in its behalf at some time or other, it would be better that she fought now, before Poland was finally and completely subdued, and incorporated with the Russian empire.

Sir *Harry Verney* complimented the hon. and learned member for Kircudbright, for the excellent manner in which he had introduced the question to the House, and regretted, that the hon. Gentleman who had just sat down had taken such a different view, and should have represented this question as a question of making war upon Russia, and as if he were prepared for that alternative. Certainly, if England had any thing to fear from any power, it was from Russia; and he regretted, that the hon. Member should have described her as a barbarian power. He wished she was a barbarian power. There was, however, no power which adopted such wise means to attain its ends as Russia. She was intent on promoting civilization, extending commerce, and establishing in every part of her empire the most useful institutions. She sent abroad the most enlightened of her citizens to collect correct information of the improvements of other countries. Did the hon. member for Birmingham know, that steam-boats were navigating on the Wolga, and that you might travel in Russia with almost as much facility as in the United States of America? The hon. Member had libelled Mr. Canning, for never, in that statesman's time, did any power insult England without that insult being resented. He regretted, that the House should have been diverted, by the observations of the hon. Member, from the excellent speech of the hon. and learned Member who brought forward the Motion; for it was of great importance to give a temperate and firm support to the cause of Poland. Poland was the only power which could form a barrier against Russia, and preserve that balance of power which it was the interest of England, and all other European states to preserve. Napoleon had said, that Russia would succeed him in the empire of Europe, and the Abbé du Pradt had said, that Russia and England must contend for supremacy; that there were only two powers in Europe; and if Britain was the power that was to contend, as she had always contended, for liberal institutions and freedom against barbarism, it was of consequence that she should support the good cause by good means. The hon. Member concluded by reminding the House of the terms of the Motion, and by again expressing his regret, that the House had been diverted from them by the speech of the hon. member for Birmingham.

Sir *Robert Inglis*, after eulogising the speech of the hon. and learned member for Kircudbright, expressed his regret that any person should have diverted the attention of the House from that speech:—a speech combining better taste, better feeling, and higher talent he had never heard. On a former occasion when the subject was introduced, he felt reluctant to come forward and state his opinion, particularly after the language used towards the Sovereign of Russia—language unblamed by his Majesty's Ministers. He regretted to hear it, because he thought that no language ought to be used in that House respecting any of the Sovereigns of Europe, allies of the King, which could not be uttered in the presence of their representatives. He had on that occasion carefully abstained from giving any opinion on the subject of Poland itself. He would now say, that he thought the cause of Poland was the cause of Europe and of Christian civilization. The Emperor had unwarrantably assumed a power over it which was equally condemned by the law of nations and repudiated by facts. He had assumed that he possessed it by right of conquest; and he might as well have applied that assumption to Paris, or to any other place which his armies had ever entered. The phrase applied to it in the Organic Statute, which was on the Table of the House, was, that Poland, by the law of conquest, was possessed by Russia. The phrase was: "The Kingdom of Poland once heretofore conquered by the victorious arms of Russia." But the fact was, as it had been stated by his hon. friend, that Russia held Poland by a compact with other powers. The Emperor Nicholas held it by the same right as the Emperor Alexander; and Alexander held it on the ground to which

he and his allies, at Vienna, were alike parties, that a constitution was to be given to Poland. Since the last discussion, papers on the subject had been laid on the Table, with an extract from a despatch of Lord Heytesbury, inclosing what was called, by the courtesy of diplomacy, the new Constitution. If the new Constitution approached at all in principle to that given by the Emperor Alexander—though he should regard it as an untoward event, that the Constitution which on the 21st of May, 1829, the Emperor Nicholas had sworn to maintain, should have been subverted by his single will—still, if the substantial ends of justice had been obtained, he should say, that the contracting powers to the Treaty of Vienna would have no right to complain; but when he compared the two documents, he found that the new Constitution was nothing more than the mere decree of a despotic Sovereign. The House would feel, that this new Constitution was drawn up in singular terms. By the Treaty of Vienna, by which Poland was committed to the care of Alexander, he was bound to give it a Constitution; and there would be ground of complaint if that had not been the case. And so careful were the powers who were parties to that treaty, that in the first phrase in which Poland was mentioned, it was stated that her nationality should be preserved. But he must observe, that the very first word in the Organic Statute was an unfortunate word; for it said, that Poland should be "re-united" to the empire of Russia. The use of the word might open the question of the former union; but he contended that, in all history, Poland never was united to Russia, except when Russia was subdued by Poland; with the exception, however, of that unfortunate term, the first phrase was a recognition of Poland as a distinct state—meaning a distinct kingdom. The Emperor Alexander and the Emperor Nicholas were both crowned at Warsaw, and were both bound to be crowned at Warsaw by the Constitution. By the Organic Statute, however, or the new Constitution, Poland was declared an integral part of the Russian Empire. How was that to be reconciled to the principle that Poland was to be an integral state, and that the Sovereign was to be crowned at Warsaw? Why, Poland now was not different from Siberia or any other dependent province incorporated with Russia, and had lost all the distinctive characteristics of a separate kingdom. The Constitution of 1815 was completely violated by the Organic Statute. He would proceed to compare the two.

By the Constitution, a regency was to be appointed, which gave something like nationality, and that regency was taken away. By the Constitution of 1815, four members of the regency were to be elected by the Senate; and that regency, so elected by the Senate, gave a separate existence to the state. Now the Polish nation was to be regulated by a regency, appointed wholly by Russia.

Again, by the Constitution of 1815, the Diet was to be assembled every two years, and it was declared illegal to suspend it; butthat was totally disregarded; it was not even mentioned; it was superseded without a word; and the Diet was swept away as if it had never existed. If there were any one thing which better than another preserved a national character, and which was a distinct mark of nationality, it was a separate language. A national language was a consolation under oppression, and an honour when independent. But now the Polish language which, by the original Constitution, was to be employed in all public proceedings, administrative, judicial, and military, was guaranteed in the administrative and judicial proceedings only; and it appeared that even in these, the Russian language, so far as the bulletin of the laws was concerned, had become equally the original.

By the Constitution of 1815, none but Poles were eligible to office in Poland. That gave nationality to the Poles; but now any persons, natives of Russia, and subjects of its many governments, were equally eligible with the Poles to any employment in Poland. The question was not as to the abstract expediency of the principle, or as to the fitness of the people for the offices; but as to the conformity of the new Statute to the Constitution originally granted to Poland by the Government in 1815. By that Constitution, all offices in Poland were secured to the Poles; by the Organic Statute, they were thrown open to all the inhabitants of Russia, and now any of the subjects of the forty dependent provinces of that empire might hold office in Poland. Let the House always recollect that it was only upon the faith of the stipulations that Russia should give a Constitution to Po-

land, that Alexander had received Poland. Let it then be recollected, that he did give a Constitution to Poland; and that Poland, with such Constitution, had been secured to Nicholas. He did not object to the changes in an abstract point of view, but mentioned them to show that the promises of a Constitution—a Constitution, too, which had been actually given—were broken by the present government of Russia, and these promises had been guaranteed by this country and the principal powers of Europe. What, however, he wished particularly to call the attention of the House to was the Treaty of Vienna; and every one who attended to the substance of that treaty must see, that this Government was pledged, as one of the parties, to see it fulfilled. Poland had, for a long time, been the barrier of Christendom; and if, as the Abbé de Pradt had said, England and Russia were the only two powers which, hereafter, were to contend for superiority, it ought to be one of the first objects of this country to recognise the kingdom of Poland. No man regretted more than he did the speech of the hon. member for Birmingham—a speech which so directly tended to provoke war between the two countries. Disapproving, as he did, of that speech, he would, at the same time, say, that the great difficulty of the question was to ascertain when they had gone far enough, without doing too much. Burke said, that no word was so difficult as the word "enough." It was difficult when the circumstances were all within one's own power; but it was infinitely more difficult when other persons, or other states and powers, were involved in the question. Difficult as the question, however, was, he must say, that, looking at the Treaty of Vienna, it was the duty of this country to call on every power who was a party to that treaty, to see it carried into effect agreeably to the terms agreed upon before assembled Europe. When the powers of Europe committed Poland to the care of Russia, they did it on certain conditions. The army was to be distinctly Polish, the nationality was to be preserved, and the Polish Diet was to assemble at stated times. All these were now to be abolished. That army, too, which was so blended with the chivalry of Europe—which had ever been foremost in the most gallant actions—was it nothing to say, that it was to be annihilated? He could not speak from personal knowledge of the character of the French army; but this he might safely say, that if the Polish squadrons were not the flower of the French army, they at least were not surpassed in bravery and skill by any corps of it.

It was said by the hon. member for Birmingham, referring to an article in the Moscow Gazette, that, from the relative situation of newspapers in Russia to the Government, such article was of great importance. Though too much importance was, perhaps, attached to that particular article; still, to a certain extent, whatever appeared in a Russian paper, must be considered as an authorized declaration of the mind and will of the Sovereign; or, at least permitted, since not prohibited. Now, he had lately read in some extracts, he believed, from papers under the Russian Government, that the estates of a particular individual prominent in the late events in Poland had not been confiscated. This was most delusive, if not untrue, since the individual in question had been equally deprived of the property. By the original Constitution, there could be no confiscation. By the 159th clause of that compact, the Emperor Alexander engaged, that no confiscation should take place under any circumstances. By the Organic Statute part of that contract was repealed, and it was declared, that confiscation of property could be made but only on account of state crimes, to be determined by a specific law. Now, what security could there be for property by such a decree? No property, in fact, could be secure. He had seen two advertisements in *The Morning Post*, of the 26th of February of this year—and he believed that was the only paper in which they had appeared—offering for sale some estates which had been confiscated in Podolia and Volhynia. From these it appeared that 200,000 serfs had been confiscated, and were offered for sale under the order of General Sacken. It might be necessary here to state, that every Polish estate was valued, as in the West Indies, by the number of slaves on it. In the list of these forfeitures, he recognized Czartorinski and many other great Polish names.

Another of the clauses of the Constitution was, to prevent deportation or banishment from Poland; yet that had been violated, and violated too by the deportation of infants. He had the circumstances of the case from authorities on which he could

rely. When the subject was formerly before the House, he had expressed his disbelief of such conduct on the part of Russia; but when he found that other acts of the Russian Government, which had been officially denied, had turned out to be correctly given, he therefore could not be to blame in giving credit to such statements regarding the banishment of children, particularly when they were communicated to him from such authority.

But he would ask, above all, what had been the conduct of Russia to that gallant army which had so bravely defended its rights? No civilized state had ever, for the last 300 years, refused to treat prisoners of war according to the regulations laid down by the law of nations. But had Russia done this? No! She had not treated them as prisoners of war, but had sent them to serve on board fleets in remote regions of the empire. No civilized nation ever degraded its prisoners, or employed them in base and servile work. But the Poles were sent off to Siberia, and to labour in the fleets and galleys of Russia, both to the Black Sea and to Croustadt. 4,600 had been sent to the Black Sea; 3,500 to the Baltic; 7,000 Polish troops had been incorporated in the corps of the Ural and Siberia, while the Polish artillery had been sent to the Caucasus, to garrison the block-houses. If even, as it was contended by Russia, the Poles were to be considered as rebels, all that she was at liberty to do in that case was, to punish them as rebels in the country where the rebellion took place. But she was not at liberty to destroy the nationality of a whole people for the offences of a few; and even if the offence were universal, no conduct of such a kind could, on any principle whatever, be justified; more especially was this the case when it was considered that Poland was an ancient and an independent nation; that she was not part of the great empire of Russia; that at the settlement of Europe in the Congress of Vienna, the kingdom of Poland was not given to the emperor of Russia in absolute subjection and sovereignty, but rather as a precious deposit intrusted to his care by all the Powers of Europe.

What, too, had taken place in Poland with regard to religion? He was a sincere member of the Protestant Establishment; and as he should view with the strongest disapprobation, any attack upon the religion which he professed, so did he regard, with equal disapprobation, any injury or insult inflicted upon a nation professing a religion different from his own. The House would bear in mind, that Poland was essentially a Roman Catholic country; and perhaps no nation in Europe was more ardent or sincere in its attachment to that form of worship. What was the conduct of Russia with regard to the religion of Poland? She had exerted herself to the utmost to destroy and overthrow it. In whole provinces, all the convents had been suppressed, and the priests banished. Russia thought proper to declare the convents to be nurseries of sedition and of anti-Russian feeling; and as Poland was to be incorporated with the empire, she felt it necessary to transform its inhabitants from Catholics into followers of the Greek Church. When he saw conduct such as this to a nation, whose religious faith had been guaranteed in the strongest manner, not only by Russia, but by all the nations of Europe, he must say, such wilful uprooting of all the religious institutions of the country demanded an expression of feeling on the part of that House which he would not trust himself to utter. He would give one instance of the manner in which the Church of Rome was persecuted by Russia in some parts of the Polish provinces. He had in his hand a letter from Warsaw of the 5th of January last, by which the writer (on whose information he could depend) stated, that in one province 200 Roman Catholic convents had been suppressed, and between 2,000 and 3,000 priests banished. In one of these convents, near Bialystock, the monks requested permission, for the last time previous to their departure, to celebrate mass, which was granted—notice was given for a certain day, when an immense concourse of people attended — mass was celebrated. (He would translate, as he proceeded) "And when the service was over, amid the tears and sobs of the multitude, the Priests carrying the Host, moved forwards in procession, towards Bialystock, where they were to deposit the Holy Sacrament. Their march was slow, the way was long, and the crowd augmented at every step, and with it the cries and lamentations augmented. The Governor of Bialystock was informed of the approach; alarmed at the numbers and at the tumult, he ordered a squadron of cavalry to disperse

the people at all hazards. The commander set forth; but when he saw the venerable men, some eighty years of age, bearing the Host; when he saw the multitudes following, whose silence was interrupted only by sobs and groans; he, far from scattering them by force, threw himself from his horse, with his face on the ground, and joined his prayers with theirs: and when they had passed, rose, and followed them on foot, and bare-headed with his troop. On reaching Bialystock, he was arrested, degraded, and exiled to Siberia. I would have had 1,000 deaths before me (said he) rather than have acted otherwise." He would not occupy the House any longer by these details; but he could not help feeling that no great national sin had ever been perpetrated without bringing down national punishment. For our individual sins we were individually responsible, and our punishment was, doubtless, wisely deferred to a future state; but national sins involved national punishments, which could be inflicted only in this life. He firmly believed, that the great national crime of Europe in the eighteenth century was the partition of Poland. He saw there three mighty Powers combined to perpetrate one of the greatest acts of injustice ever heard of. But on examining further into the history of those Powers, he saw the hand of the oppressor and spoiler fall heavily on them. He saw their capitals, in succession, made the prey of a great and hostile Power—so surely did national punishments follow national crimes. All the military reputation of Prussia, perhaps at the moment before its fall, unrivalled in Europe, could not preserve its capital. Austria, the most ancient of European empires, twice yielded its capital to the mercy of the conqueror; and Russia, even, the mistress of so many nations, was saved as a nation but by the loss of her capital. When he saw these things, he asked, was he not justified in saying, that national crimes involved national punishments? He could not, therefore, but indulge the hope that this crime—indeed it might be said in the language of a distinguished diplomatist, that it was worse than a crime, for it was a fault;—he repeated, that when he reviewed the conduct of Russia towards Poland, he could not but believe, that the day of retribution must shortly come. It was, at least, a matter of some consolation, that this country had not by any false encouragement been a party to the present prostration of Poland. He did flatter himself with the belief, that a recognition by that House, in the face of Europe, of the right of Poland to different treatment, would not be without its use; and his only apprehension had been hitherto lest such a proposition should have had the effect of doing more harm to the Poles than good. It would be a consolation to ourselves to make this recognition, and thus to liberate our own souls; it was consistent with the purest and best feelings of human nature; and if it should, as he hoped and believed it would, eventually serve the cause of Poland, he, for one, should most sincerely rejoice that his hon. and learned friend had brought forward the present Motion.

Viscount *Palmerston* thought, that his hon. and learned friend needed no apology for having introduced the present question, for he knew of no subject which deserved more to command the attention and engage the sympathy of an English assembly than anything connected with a nation distinguished for its gallantry and devotion as well as its misfortunes; and if any Member more than another was qualified to bring this question forward in such a way as to secure the goodwill and attention of the House, it was his hon. and learned friend, who, with those generous feelings which peculiarly characterized him, combined talents adequate to do justice to any subject, however difficult, and who brought to its discussion that good temper, discretion, and judgment, which never failed him. In most of the arguments—he might say almost all, of his hon. and learned friend, he was prepared to say, that he was willing to concur. It was true, as stated by his hon. and learned friend, that the kingdom of Poland was not an ancient part of the Russian empire—it was not held by old right, but bore the date of the Treaty of Vienna, and the possession of it was founded on the sanction of Europe. The British Government, therefore, felt, as one of the contracting parties to that treaty, that they had a right to entertain and express an opinion on any Act which tended to a violation of or a departure from those stipulations to which they were pledged in common with the other contracting parties. The first article of that treaty stated, that the kingdom of Poland was inseparably united with Russia by its constitution; and if he were called on

to interpret the meaning of that article, he should say, that its true intent and spirit were, that the constitution, whatever it might be, which should be given to Poland in pursuance of that article, was the connecting link between that country and Russia. Therefore the constitution given by the Emperor Alexander, in pursuance and after the execution of that treaty, was and ought to be, considered as resting upon the sanction of that treaty, and Russia was bound in good faith to its maintenance. He did not think that the revolt of the Poles absolved the Russian Government from the obligations which, he contended, were imposed upon it by that treaty. In the first place, he was not prepared to say, that the revolt of a people (and be it remembered, that the Russian government always maintained in all its proclamations that the revolt in Poland was partial and not participated in by the whole nation)—but he repeated, he was not prepared to say, that the revolt of a people would entitle the sovereign, after having re-established his authority by force of arms, to abrogate the constitution which such people previously enjoyed; he should therefore say, that if the matter lay simply between Russia and Poland, and no other parties were concerned in the question, he did not think the Polish revolt justified the Russian government in abrogating the constitution, when the authority of the Emperor had been restored. Even though the Poles had taken the uncalled-for, and, in his opinion, unjustifiable step, of not merely asserting their rights and claiming the maintenance of the privileges guaranteed to them, but declaring the dethronement of the emperor. But in this case there were other parties concerned in the matter. By the treaty of Vienna the assignment of Poland to Russia was regarded as a European arrangement, to which the European powers were parties. That treaty defined the relation in which Poland should stand to Russia, and on that ground alone, he contended, the other powers had a right to require of Russia that the constitution should not be touched. This opinion was one which had not been concealed from the Russian government. It had been communicated by anticipation to the Russian government previously to the capture of Warsaw, and whilst the contest was yet undecided. When Warsaw fell, and Poland was at the disposal of the conqueror, before any definitive arrangement was made, that opinion was again distinctly and unreservedly conveyed to the Russian government. Russia, however, took a different view of the question, and contended, that, by the revolution and by the reconquest of Poland, it was put in the same situation as that in which, according to their argument, it stood prior to the treaty of Vienna and the grant of a constitution. The Russian government contended that all the institutions of the country must be considered as having been swept away by the revolution; and that it rested solely with the Emperor to determine what form of government should be substituted in their place, and to what institutions he would give his sanction. The reply of the English Government was, that having taken into full consideration the statements of the Russian Ministry in support of their view of the case, England still adhered to the opinions before expressed; and thought that the true interpretation of the Treaty of Vienna required that the constitution of Poland should remain as it did before the revolution, Russia having no right to touch it. Austria and Prussia, however, took the same view of the case with Russia, whilst France supported the opinion of England. The question, then, which the British Government had to consider was not what they had a strict right to do—not to what extent they might be justified in enforcing their interposition—but what, on a general view of the whole circumstances of the case, in reference to the state of Europe, and more especially to the interests of Poland herself, would be the wisest course of policy for Great Britain to pursue. Upon a full consideration of those circumstances, certainly, it was not deemed prudent to support by force of arms the view taken by England. He could not but think, that however the House might concur in the exposition of the treaty made by the hon. and learned Gentleman, however they might have wished to see a different result of the contest, and however strong might be their sympathy with the English people on this subject in lamenting the fate of Poland, yet upon a calm, deliberate, and dispassionate view of the then existing state of Europe, they would agree with him, that it was wise on the part of his Majesty's Ministers not to involve Europe in a

general war in the hope and expectation of ultimately rescuing Poland from the oppression under which it suffered. A general war it must certainly have been, when Austria, Russia, and Prussia, would have taken one side, and England, France, and Poland the other. Austria and Prussia both possessed Polish provinces, and had, or, what was the same thing, fancied they had an interest in upholding the opinions of Russia. These great Powers were ready to maintain their opinions at all risks. They had each of them large armies assembled on their respective frontiers next to Poland, ready to march at a moment's notice, and long before England or France could come to the assistance of Poland, they could have overwhelmed the unfortunate Poles, who could scarcely bear up as it was against the single power of Russia. If, therefore, the Government wished to render the fate of the Poles certain, by involving them in a contest with forces greatly superior to their own, they had but to declare their determination of enforcing the Treaty of Vienna by arms. He thought, therefore, whether he considered the question in reference to the general results of a war in Europe, or in reference to the interests of the Poles themselves, that his Majesty's Government had adopted the wisest policy by contenting themselves at that time with expressing their sentiments as they did, clearly and decidedly, to the Russian Government. The question now under consideration was, whether at the present moment it was expedient for the House to agree to the Motion before it. It was not to be disguised that, however they might lament the change that had taken place in the national organization of Poland, no vote of that House would have the slightest effect in reversing the decision of Russia. The hon. and learned Gentleman did not ask the House to go to war for the purpose of enforcing his views. But he would ask them was it likely that a mere vote of that House would have such weight with the Russian government as to induce it now to retrace steps which had been taken in opposition to the strong and repeated remonstrances of England and France—steps, too, founded not on the personal feeling of individuals, but on a general and national feeling of resentment on the part of the Russians towards the Poles. He was not prepared to deny the statement of the hon. and learned Gentleman with regard to the cruelties practised towards the Poles; but he thought it not unlikely that the accounts which had reached England had exaggerated the degree of their severity. With regard to the transportation of families, he believed that, in some instances at least, they were induced to remove voluntarily, by the offer of grants of land. He was strongly inclined to think that these removals were not altogether compulsory, but were in some degree optional with the parties. Most of these cases, however, happened in the provinces which were incorporated with Russia, and which did not belong to the kingdom of Poland. They, therefore, were not subject in the same degree to the stipulations of the Treaty of Vienna, and consequently this country had no right to interfere. For instance, many of these cases occurred in Podolia and Volhynia, which were strictly part of the Russian territory. His hon.and learned friend had stated that England had quailed before the power of Russia. He assured the House, that it was not the fear of Russia, which determined the conduct of the British Government on that question. He trusted, that the British Government knew too well the power and resources of this country, to entertain any apprehensions of encountering in a just cause, and with the support of the people, any war with any power, however formidable. No apprehension, therefore, of Russia, or of any power in Europe, would induce the Government to shrink from any course of proceeding which was just in itself, or wise in respect to the interest or honour of the country. It was on general considerations connected with the peace of Europe, and from a conviction that any demonstration or attack on our part would not have any effect on the immediate scene of action, or if any, that it would occasion the union of the armies of Austria, Prussia, and Russia, who would then have crushed Poland in the shortest possible time, that the British Government were prevented from interfering, knowing, as they did, that their interposition would have been too late to save the Poles from destruction. His hon. and learned friend had stated, that it was not his object to launch this country into war, but only to prevent any formal acknowledgment on the part of the Government of this country, of arrangements inconsistent with the stipula-

tions of the Treaty of Vienna. The Motion of his hon. and learned friend was perfectly unnecessary for this purpose; for no circumstances could arise under which the English Government could give their sanction or acquiescence to the arrangements which the emperor had made in Poland. The arrangement was one which the Russian Government considered they were competent to make of themselves; and so far from asking the consent of other powers to it, they denied the right of other powers to interfere at all. Therefore the Russian government would not ask the sanction of England, if that had not been already entirely precluded by the communications of the British Government with the Court of Russia. For these reasons he thought it was not necessary for his hon. and learned friend to call on the House to interpose to prevent the British Government from acknowledging the disposition made by Russia with regard to Poland. Some expressions had dropped in the course of the Debate with regard to the persecutions of the Poles, which required some little notice. He thought no blame on this score attached to the emperor of Russia personally. It was well known, that the present emperor of Russia was a man of high and generous feelings, and if it were possible for the emperor to follow the bent of his own inclination, he was convinced that none of the atrocities which had been spoken of would have been practised against the Poles. It was well known that in the course of the contest the emperor personally had shown a disposition to more lenient measures. It might, perhaps, be observed, that the emperor of Russia was a despotic monarch; but when persons spoke of arbitrary and despotic governments, they should remember, that even in such governments things were not conducted according to the mere will and pleasure of the individual sovereign. A despot depended nearly as much upon the opinions and wishes of others as a limited monarch. The only difference was (and a very important difference certainly) that the despotic monarch was controlled in his actions by the opinions and wishes of a few, while the limited or constitutional monarch was guided by the opinions and wishes of the many—of the nation at large. The severities which had been practised upon the Poles were, in his mind, the clearest proof that the power of the emperor of Russia was by no means unlimited, and that on many occasions he was compelled to follow the dictates of others. The hon. member for Birmingham, who seconded the Motion, did not appear to him to be a good ally of the hon. and learned mover. He had taken a view of the question which was certainly more extensive than that which had been taken by any other hon. Member, but in his (Lord Palmerston's) opinion, it was a most extraordinary view. His voice was all for war—a general war; and he was generous enough, while he made his declaration, to offer the Government what he considered ample means for the prosecution of such a war. He offered the whole of the National Debt—40,000,000*l.* a-year of additional taxes, and his four sons. These were the ways and means which the hon. Member proposed for carrying on this general war. He doubted however much whether the public creditors would agree to waive their claims on the country in order to carry into execution the projects of the hon. Member. Nor could he say whether the people of England were prepared to pay 40,000,000*l.* a-year of fresh taxes for the purpose of carrying on a war in favour of the Poles; nor did the warlike member for Birmingham state whether he had consulted his four sons about the sacrifice which he was ready to make of them upon the altar of liberty. The hon. Member, no doubt, had splendid ideas of the manner in which the affairs of Europe ought to be conducted. His views, indeed, were not less extensive than his resources; and while he denounced the crime of partition of Poland, and censured the arrangements of 1815, he proposed a reconstruction of Europe more extensive than the changes made by the Congress of Vienna. Could the plan of the hon. member for Birmingham only be carried into effect, his name would indeed be immortalized! The hon. Member proposed to take from Russia the kingdom of Poland and probably some part of Lithuania; and to take from Austria, Gallicia, and to erect these countries into a new Polish state. He would then take Moldavia and Wallachia from Turkey, and give them to Austria, and would probably compensate Turkey by bestowing upon her the Crimea, and all this was to have been done by a squadron in the Baltic and another in the Black Sea. As to the

practicability of the hon. Member's views, the House had the hon. Member's word. But if they were to plunge into war at the bidding of the hon. Member, no doubt his constituents would supply them with guns and cannon *ad libitum;* and so far as the consent of the hon. Member went, there would be no difficulty in obtaining an abundance of paper money. For his part he could not so easily consent to involve the country in such a war as that which the hon. Member proposed. Nor could he admit, though the hon. Member asserted it, that this country had been the mere tool of Russia for the last fifteen years. With respect to the conduct of Russia in her late war with Turkey, he was quite satisfied that there did not exist any just ground for our interference. Turkey had in 1827, broken her engagements to Russia, and given her just cause of war. The Turkish government had expelled Russian subjects, seized upon Russian ships, and declared they would not execute the Treaty of Ackermann. Russia in that war was right and Turkey wrong. With respect to the present occupation of Turkey by Russian troops, he firmly believed, that the Russian troops, if they had not already left Constantinople, would leave it in a very short time, and he had no doubt of the good faith with which the Russian government would fulfil the engagements which it had entered into upon that subject, not with England only, but with all Europe. He did not believe that it entered into the views of the Cabinet of St. Petersburgh (as it seemed to be believed by some parties) at present to make a partition of Turkey. If she were to make the attempt it must be unsuccessful; but he was perfectly confident that no such attempt would at present be made, and that the Russian troops would speedily evacuate all that portion of the Ottoman territories which they occupied. After the warlike speech of the hon. member for Birmingham, the speech of the hon. Baronet, the member for the University of Oxford, was quite refreshing. That hon. Member did not appeal to the passions, but to the reason of the House. That was the way in which such a subject ought to be discussed; and he (Lord Palmerston) was happy to say, that he concurred in many of the hon. Baronet's observations. With regard to the Motion immediately before the House—having stated that his Majesty's Government had not only refused to acquiesce in the arrangements which had been made, but that it had done more than his hon. and learned friend required, since it had formally expressed its dissent from the arrangements established by Russia, and had denied the right of Russia to make the changes in Poland which she had effected. He would put it to his hon. and learned friend's judgment and discretion, whether it was proper to press the Motion at present? Would the hon. and learned Member not be satisfied by the present declaration? After what he had said, it could not be necessary to proceed to a division, and he put it, therefore, to his hon. and learned friend, whether, even for the sake of those of whom he was the advocate, it would not be better to withdraw his Motion? To persist would only increase that exasperation which already rankled in the breasts of the Russians without effecting any thing towards the redress of the wrongs of the Poles. The House knew, the country knew, all Europe would know, what the opinion of the British Government was upon the subject. Every object which could be gained by the Motion had been already attained. He was confident that the appeal which he now made to his hon. and learned friend would not be made in vain.

Mr. *O'Connell* was extremely glad to find, that the noble Lord who had just sat down did not directly oppose the Motion; but that, as far as feelings went, there was perfect unanimity upon this most important subject. Many of the observations of the noble Lord deserved the highest applause. Some of them were, perhaps, to be regretted; but he (Mr. O'Connell) would not say, that there was anything to be censured. He was sincerely glad to find, that all parties in the British House of Commons joined in condemning the cruel, barbarous, and abominable conduct of Russia towards the people of Poland. He (Mr. O'Connell) had on a former occasion applied the term miscreant to the Emperor Nicholas, and though an hon. Baronet then thought proper to censure him for the use of such an epithet, the hon. Baronet's own description of the conduct of this individual—this miscreant—justified the application which he had made of the term, unless indeed a stronger epithet, an epithet more expressive of the atrocity of his conduct, could

be found in the English language. According to the accounts of the on. Baronet, and according to the authenticated statements of the facts, the emperor of Russia had violated every religious feeling, and had sacrificed every principle of humanity at the shrine of ambition. The Motion would not at all commit the Government; but he thanked God it would commit the British nation, and he was of opinion, that the expression of the feelings of the British nation, through that House, would teach the ruthless despot of Russia, that he could not violate the rights of humanity with impunity. The Treaty of Vienna conferred upon this country a right of interference in the arrangements made by Russia in the state of Poland; but the rights of the people of that unfortunate country rested upon higher grounds than any Treaty. They existed long before, and he trusted they would exist long after, every trace of that infamous Treaty should be entirely destroyed. The noble Lord perhaps recollected, that he was Secretary-at-War to a Ministry which concurred in all the measures of spoliation and robbery perpetrated by that Treaty, when he commented so severely upon the remarks of the hon. member for Birmingham. It was said, that the emperor of Russia was a man of a good natured disposition, and that he was not personally responsible for the severities to which the Poles had been subjected. Was not the emperor of Russia an autocrat, and had he not the power of selecting his own instruments? He had no House of Commons to restrain him in his conduct if he were inclined to employ bad instruments, and no House of Lords to control him if he should feel inclined to employ instruments of a better class. If the emperor of Russia was a good man, how came he to drop upon such bad Ministers? He (Mr. O'Connell) was of opinion, that he had chosen such instruments as were likely to carry his purposes into effect, and that he had chosen men who were worse than himself. The noble Lord had asserted, that 40,000 families, who were said to have been transported, had gone of their own accord. Never had he heard a more fantastic idea. The Poles were not likely to wish to quit their native country; and who could be supposed to desire a change from a fertile and a cultivated soil to a barren desert? It was idle to talk of the personal humanity of the emperor of all the Russias. Had not the severest and the cruelest ukases against the Poles been signed with Nicholas's own hand? Those who surrounded him were no worse men than himself; and there was nothing monstrous of which he was not in his own person perfectly capable. What could be a stronger proof of his disposition than the case of prince Tongousky — who was degraded from his rank, stripped of his property, and sent as a slave to Siberia; and, when his wife petitioned for a mitigation of his punishment—a mitigation was ordered by the generous, the humane Nicholas;—but how? Why the wretched man was made to march on foot, and in chains, every inch of the journey, instead of being, as before, conveyed in a carriage. Such acts, and they were numerous, were derogatory to the national character of the whole people of Russia. For his own part, he would as soon keep company with a thief who had been tried at the Old Bailey, as with Nicholas, or any of the nobles who were the instruments of his abominable cruelties. Shame on the nobility of Russia! Were they men, and suffered such deeds to pass unnoticed? If such conduct was tolerated in Russia, it was the only country in Europe in which it would be so. A great moral feeling was now abroad. The autocrat must be taught that these are not days when that outrageous public prostitute, the notorious Catherine, the grandmother of this emperor, could display her profligacy in the face of day—when the prostitute of 5,000 lovers had her praises sung by poets—was celebrated by philosophers—and lauded by orators. That most infamous of women—placed as she was in a situation in which her example could not fail to be most mischievous—was allowed to continue upon a throne; while, had she been one of those unfortunate creatures who walk the streets at midnight, she would, and justly, have been consigned to the tread-mill or the ducking-stool. But she was enthroned, and she lived applauded, and died surrounded by honours, to be enshrined as a model of human virtue. The days when such things were tolerated had now, however, passed. The days of rash wars had also gone by. Every Statesman now felt that war was an evil to be avoided by every possible means. Napoleon rose and shone like a meteor, but, like a meteor too, he fell in a moment, and was extinguished for ever. With all his faults,

he had one redeeming quality—he had generosity. England had Generals who had no generosity. England had Generals whom neither the malice of enemies nor the sycophancy of friends had ever charged with the possession of one generous weakness. The world was now beginning to appreciate these great Commanders. It was not by a certain number of horse, foot, and artillery, that the world was in these days to be governed. The mode of warfare would in future be totally different from what it had been in former times. It would be a war of opinions, not of swords. It would only be necessary to direct the artillery of public indignation against the most powerful Monarch, and he would be compelled to submit. That artillery would open upon the Russian autocrat upon the present occasion. The miserable stock-jobbing government of France had disappointed the expectations of all Europe, for the noble purpose of keeping up the funds one and a-half per cent. All parties, however, he was happy to say, appeared to be unanimous in this country upon the subject of Poland. The hon. Baronet (Sir Robert Inglis), who belonged to what was called the Opposition, and he (Mr. O'Connell) who was of the *Movement*, or Radical party, fully and cordially concurred with all the people of Europe, not in the disavowal, but in the reprobation, of the atrocious and cruel conduct of Russia towards Poland. In conclusion, he had only to observe, that the manner in which the subject had been introduced was extremely creditable to the hon. and learned member for Kircudbright, and met his (Mr. O'Connell's) entire approbation.

Lord *John Russell* said, that although his Majesty's Ministers might possibly concur in the sentiments which had been expressed by the hon. and learned Member who had brought forward the Motion, it was their duty to protest against the language made use of by the hon. and learned Member who had just sat down. He agreed with his hon. and learned friend, who brought forward the Motion, that there had been a violation of the Treaty of Vienna on the part of Russia; but, nevertheless, the hon. and learned member for Dublin was not justified in applying the epithets "wretch," "brute," and "monster," to a Sovereign with whom his Majesty was on terms of amity. Were the Motion carried accompanied by such remarks as had been indulged in, it would go a great way to destroy the good understanding which at present existed between countries which were now happily at amity. He trusted, therefore, that his hon. and learned friend (Mr. Cutlar Fergusson), after the turn which the discussion had taken, would see the expediency of withdrawing his Motion. The beneficial consequences which might be anticipated from the knowledge, that the opinion already expressed by the Government was unanimously embraced by that House, and by the whole people, would not ensue, if the House were divided, and Ministers were compelled to resist the Motion. At the same time the terms of the Motion were an insuperable obstacle to its being adopted. The Resolution declared, that Poland has been reduced to its present situation in violation of the Treaty of Vienna, to which Great Britain was a party. He appealed to hon. Members, whether, after such a Motion should have been carried, the British Government would not be bound to use such a tone of angry remonstrance towards Russia, as would be incompatible with the maintenance of peace—the more especially as the Motion had been seconded by one hon. Member, who avowed a desire to support his views by war, and by another hon. and learned Member, who had indulged in an eloquent, but a violent, and, somewhat course philippic against the individual exercising the legal powers of government in Russia. He implored the House to consider whether, after the success of this Motion, it would be possible for the British Government to conduct negotiations with Russia on those terms which ought to be employed between friendly Powers. He took it for granted, that, notwithstanding the conduct of Russia towards Poland, it was the wish of the House to preserve the peace of Europe. He hoped he was not assuming too much in saying, that the object of the House was not to produce a war. If a hope were entertained after the contest in Poland had ceased for many months of re-exciting the nation, and by hostilities restoring Poland to what she was in 1782, his argument would certainly go for nothing; but the object of the Motion being, to elicit an expression of the sentiments, in the first place of the King's Ministers, and in the second place of the independent Members of that House, in order that no sanction might be given on the part of

England to the present arrangements respecting Poland, and that her honour might be kept pure from any participation in the violation of the Treaty which had taken place, that object would be better attained by his hon. and learned friend's letting the matter rest where it was, than by pressing his Motion to a division, and causing it to make less impression on the government of Russia than it otherwise would.

Mr. *Buckingham* said, that the deep interest which he felt in the subject now before the House, had made him anxious to deliver his sentiments upon it at an earlier stage of the debate. But he did not at all regret his having given way to others, as every successive speech delivered, only tended to confirm him more and more in the propriety of supporting the Motion now submitted to their consideration. If the speech of the hon. and learned Gentleman who had introduced this question (Mr. Cutlar Fergusson) had convinced his judgment, by the historical evidence which he had produced, and interested his feelings by the melancholy and touching details with which he followed this up, in support of his Motion, he must say, that the speech of the noble Lord, the Secretary of State for Foreign Affairs, had served even still more to satisfy him of the necessity of such a Motion as that now proposed; and if the speech of the hon. and learned member for Dublin had roused his indignation at the atrocities to which he alluded—the speech of the noble Lord the Paymaster of the Forces (Lord John Russell) had strengthened his conviction of the necessity of pronouncing a solemn opinion on the conduct thus brought under review. With the permission of the House, then, he would briefly state the reason which induced him to give his cordial support to the Motion of the hon. and learned Gentleman; and the grounds on which he would entreat him not to withdraw it, however strongly he might be urged to such a course, but to persevere in his determination to press it to a division, by whomsoever it might be opposed. He conceived it to be both the duty and the interest of England to exert the full weight of her influence on behalf of the unhappy Poles; first on the broad principles of justice and humanity; secondly, on the grounds of national honour and national safety; and thirdly, for the preservation of that moral force which a noble and a generous policy could alone secure to us. He would ask the House to consider what it was, that constituted the difference between men living in a state of nature, and men living in civilised society. Was it not that in the former every man considered his own selfish interests, and pursued them in hostility to, and in defiance of, the rights of others; while, in the latter, every man considered himself as a member of a social community, bound by the strongest ties to protect the rights of others, in order to secure his own, and ready to make some sacrifice of his own enjoyments for the common good, by extending his aid to all who had a just claim upon his succour in the hour of their distress? Such was the difference, also, between barbarous and civilized nations. The former thought and acted only for themselves, in defiance of the rights of others. The latter bound themselves in social compact, not merely by treaties, and by international law, but by that still stronger bond of public justice and public honour, which knit them together in a union that it was the interest, as well as the duty, of each of them to maintain. It was in accordance with this feeling, that while uncivilized tribes made war upon each other, by piracies at sea, and incursions by land, the civilized countries of Europe interfered to put them down, as outrages to the common rights of humanity. It was on this principle alone that we ventured to interfere in the suppression of the slave trade, by whomsoever carried on, and for the extinction of piracy, wherever it should be found. If, then, the cruelties practised by the Russians upon the Polish people equalled in atrocity any that the horrors of the slave trade or of piracy could produce, he would ask, whether we were not equally bound to stretch forth our arm for their delivery from their oppressors? These cruelties had been so eloquently detailed by the hon. and learned mover of the address proposed, and had been so distinctly admitted by the noble Lord, whose official station made that admission of so much importance to the case, that he would not say a word in addition to what had been already stated; although, if there were ever a subject on which it might be pardonable to enlarge, it was this of the unparalleled cruelties practised on a high-minded and a gallant people, by the most

oppressive and the most relentless, of rulers. In addition, however, to the claims which this unhappy people had on our justice and our humanity, there was a strong legal claim, if he might use the term, on our fulfilment of a treaty to which we had been a party, and the violation of which, though distinctly admitted by the Ministers of the Crown, the Government of this country had submitted to with a degree of weakness altogether unbecoming the character of the country, as one of the great European powers. The noble Lord (Lord Palmerston) had detailed the progress of the events connected with the Russian and Polish contests, with an ability and clearness which left nothing in doubt, and to which he had listened with pleasure as well as attention ; but he confessed that this feeling was soon changed to one of shame as well as pain, when he heard the noble Lord avow, that though his Majesty's Government considered the destruction of the Polish constitution to be a violation of the Treaty of Vienna, and though the government of France concurred in this interpretation, yet that, because Austria and Prussia did not take the same view of the subject, they did not deem it prudent to do more than state these views, and were influenced in their forbearing to enforce the observance of this violated treaty, by the fear of provoking a general war in Europe. He used the term fear, because, divested of the courteous phraseology of diplomatic communications—translated into the plain language of ordinary life, it was admitted, that this fear, and this alone, prevented the enforcement of the treaty thus broken. To what a humiliating degradation was England reduced ; impeded in her progress of domestic improvement and reform at home, by the fear of a collision between the two branches of the Legislature that House bending itself in humble submission to the other, shaping its measures, not as the House conceived they should be shaped, but in that subdued and humbled form in which it hoped the Lords would accept them; and paralyzed in her foreign policy by the fear of a collision with other countries, which we condemned as violators of solemn treaties, and oppressors of a gallant people, whom England had solemnly undertaken to protect and defend—yet taking no steps whatever to enforce those duties, for fear either of the powers opposed to us, or of the cost at which justice was to be obtained. It was not thus that the rulers of England had always acted ; and it was not thus that they should act now. Time was, when the hour for demanding redress was the hour in which the injury was received—when years were not consumed in fruitless negotiations and endless protocols, but when justice was demanded in a tone that could not be mistaken, and redress insisted on in a spirit that could not be dismayed. It was not thus that solemn engagements should be treated—to be enforced, if no sacrifices were required, but to be disregarded, if costs were to ensue. Our first duty was to ask whether we had bound ourselves in a compact to effect a certain object ; and next, whether that compact had been fulfilled. If we had so bound ourselves, and had not fully redeemed our pledge, it was our duty so to do, cost what it might —for justice was above all earthly price ; and no consideration whatever should absolve us from the solemn engagements to which we stood publicly pledged. It was the interest, however, as well as the duty of England, to interfere in the present case; and this he hoped he should be able to show satisfactorily and briefly. There was no man who travelled much beyond the limits of his own country, but must have been struck with the uniformly high character which England and Englishmen enjoyed abroad. If England were party to a treaty, and the national honour pledged to its observance, the greatest reliance was placed upon its fulfilment ; and the universal sentiment was, that whatever England had undertaken, England would complete. The same sentiment was extended to individuals as to the nation. The word of an English gentleman was regarded as his bond ; and whatsoever he had promised, the strongest belief was entertained, that he would, to the letter, as well as in the spirit, perform. It was to this general sentiment of her high superiority to other nations in unblemished honour, that England owed the moral force connected with her very name. She was not powerful from her extent of territory, for that in Europe was insignificant. She was not irresistible, because of her gallant army, undaunted as it had proved itself in many a well-fought field : nor was she omnipotent, even through her unconquered navy, though it still floated in triumph on an element peculiarly its own. No ! the proud and exalted station

which Great Britain enjoyed at the head of the nations of the world, was more attributable to the moral influence exercised by her reputation for unsullied honour, and uncompromising integrity, than from all other causes combined. He would ask the House, whether, already there were not symptoms of that influence beginning to wane and decline; whether, in the saloons of Paris, and the circles of the other capitals of Europe, there were not already to be heard whispers of suspicion that England had passed the summit of her glory, and that, either from the pressure of her enormous debt, or from some unaccountable pusillanimity which had infected her councils, she was no longer the undaunted protector of the weak against the strong—no longer the scourge of the oppressor and the shield of the oppressed. It was time then to hush these whispers, and to calm these fears, and this could only be done by the bold and spirited declaration of this House, speaking, as the voice of the country, on behalf of the insulted, the oppressed, and the cruelly-persecuted Poles. In addition, however, to the claim of justice and humanity, and the sense of national honour and reputation, which should each impel us to the glorious work—a regard to the national safety should influence us to make a stand. In characterizing the policy of the Russian Government, there had been some difference of opinion among the Members who had spoken upon the subject. One hon. Gentleman (Sir Harry Verney) had spoken of the great efforts made by Russia to extend civilization, and to give to her own people, at least, the benefit of valuable institutions; while other hon. Gentlemen had spoken of Russia as a purely barbarous and despotic state. He (Mr. Buckingham) would venture to give a different character from either of these; and to say, that the policy of Russia was pre-eminent for the vastness of its ambition, which desired to bring every other country within its grasp, and for the cunning with which it systematically pursued its views of aggrandizement in every quarter. As to the first, it was notorious that to whatever point of the horizon the Russian Cabinet directed its attention, it was chiefly with a view to conquest. In every part of the track, from India onward to Europe, through Persia, and the countries lying between Constantinople and Calcutta, were to be found traces of Russian influence, Russian agents, and Russian spies; and, although one hon. Gentleman had treated as chimerical the assertions hazarded in the *Moscow Gazette*, that the Russians might one day dictate terms to England in her Indian capital of Calcutta; and had thought that the moon might as reasonably be assigned as the scene of such a treaty—yet it was not quite so inconceivable that a Russian army might find its way to India, when it was remembered that Alexander of Macedon had penetrated across the Tigris and Euphrates, given battle to Porus on the banks of the Indus, and left colonies behind him in Bactria, to perpetuate the memory of his Indian conquests. But it was not on the route to India only that Russian agency was employed. In every country in Europe and Asia, as well as in America, were to be found men of acuteness and intelligence employed by the Russian government, all acting as promoters of one great, general, and systematic plan, to promote Russian interests in every quarter, and to leave nothing undone that could advance or promote Russian influence and Russian dominion. In pursuit of this national object, Constantinople had recently been taken under Russian protection; and now that the ambitious ruler of Egypt, Mohammed Ali Pacha, had added Syria to his dominions, nothing was more probable, than that these two chiefs might arrange between themselves a partition of the Turkish empire, giving Asia Minor and Mesopotamia to the Egyptians, leaving European Turkey, with Georgia and Circassia to the Russians; and by an alliance of both, adding the command of the Red Sea to that of the Caspian, and the Euxine, the Baltic, and the Mediterranean, and thus making India as accessible to their fleets as Europe was to their armies in Asia, so as to facilitate the ambitious plans of Russia to subjugate the entire Eastern world to her dominion. It was high time, then, to make a stand at some point, to prevent our being overwhelmed by this unchecked torrent of Russian domination; and that point was to be found in the independent nationality of Poland. It might be thought by some a matter of indifference to yield a little here and a little there, and thus pass quietly on in our career. But it should be remembered, that no nations were subdued, and no people were enslaved at once. It was only step by step, link by

link, that the chains of slavery were riveted around the necks of the free. A resistance to the first aggression generally prevented the second; a yielding to one injustice invariably provoked another; and though, on many considerations, but, above all, in consequence of the heavy debt which weighed us down and paralyzed all our energies, there would be a great reluctance on the part of the people of England to give unnecessary provocation to any foreign power—yet, to enforce the fulfilment of a solemn treaty—to fulfil our national engagements—to rescue an oppressed and gallant people—and to defend the helpless and unprotected—he believed that the people of England would readily afford the necessary support to the Government of their country, and hail such a declaration as the carrying of this Motion would convey, as one of the most popular and redeeming acts of the present Administration. The hon. and learned Gentleman (Mr. Fergusson) had adduced, in proof of the deep interest felt on behalf of the Poles, the fact of a publication existing in Hull, a provincial town, devoted exclusively to that object. He was happy to bear testimony to the intense feeling that pervaded every part of England, Scotland, and Ireland that he had visited, on this subject—having been present at many of the public meetings that had taken place on behalf of the Polish people, and nowhere was that feeling more deep and general than among the inhabitants of Sheffield, the borough he had the honour to represent. The town of Hull, however, partly, perhaps, from its position as a port of frequent communication with the Continent of Europe, and partly also, undoubtedly from the intelligence and public spirit of its inhabitants, possessed a Polish Literary Association, in which most of the respectable families of the town were enrolled; it published "The Hull Polish Record," a work of which he had been a constant reader, and which contained a degree of talent, of patriotism, and of benevolence, that placed it in the highest rank of public journals, and the profits of which, with a judgment and a disinterestedness that reflected on its conductors and supporters the highest honour, were devoted to the great and holy purpose of educating the Polish youth now in this country, perpetuating in their infant minds the detestation of Russian tyranny, and keeping alive the sacred flame of Polish patriotism, and love of universal liberty. A word or two in reference to what had fallen from the two noble Lords who had spoken from the Ministerial benches, and he would conclude. The noble Secretary for Foreign Affairs had endeavoured to impress the House with a belief that the Emperor Nicholas himself, was personally a kind-hearted and an amiable man, and that the cruelties practised in the name of his Government, were rather the acts of the wicked counsellors by whom he was surrounded, than his own. If this were so, he would say, that for the sake of Nicholas himself, in order to rescue him from this disgraceful thraldom, and to furnish him with the means of overawing, if not of discarding, those counsellors, and acting on his own behalf, the House should hasten to record its solemn denunciations of the cruelties thus perpetrated, and the violations of solemn engagements thus committed. And as, when the Ministers of England were desirous of doing good, but were prevented by the evil influences in higher places, it was of the utmost importance to bear them up in their good intentions, by the declaration of the popular will—so when humane, but weak and feeble monarchs, were well-disposed themselves, but were overruled by evil counsellors, it was but just to them, and useful to the world, to support their good intentions, and denounce the evil-doers by the strongest and most unequivocal expression of public opinion that the Legislature of the country, backed by the press and the people could give. The other noble Lord (Lord John Russell) had said, that if this Motion were carried, it must be followed up by an angry remonstrance from this Government to the Court of Russia, which would be answered by another, and that the inevitable result must be war. Now, that a remonstrance should follow the carrying of this Motion, he did not think unreasonable—how much or how little of anger might be infused into it, he would not now inquire; but he thought, that the declaration of what we really thought and felt, was a solemn duty; and that if the utterance of truth, and the advocacy of justice, led to consequences which we would not willingly provoke, it was our first duty to be true and just; and when that duty was performed, we might safely leave the issue to Heaven. On the grounds that he had

thus briefly and imperfectly stated, he intreated the hon. and learned mover not to be prevailed upon to withdraw his Motion, to which he had thus given his humble but most hearty and cordial support, in the assurance that not merely the people of Poland, but those of England also, would hail its success with intense delight, and in the conviction that its moral influence would be felt and acknowledged wherever the English name was known, or intelligence of its proceedings extended.

Lord *Althorp* had trusted, that his hon. and learned friend would have been content with the statements of his two noble friends, and that he would not have pressed his Motion. The House was well aware, that one of the principles upon which his Majesty's present Government took office was, the preservation of peace. His hon. and learned friend, however, seemed disappointed by the tone which his Majesty's Government assumed towards Russia respecting Poland. He seemed to think that his Majesty's Government ought to have gone further. How they could have gone further without involving this country in war, he (Lord Althorp) knew not. He could assure his hon. and learned friend, that his Majesty's Government had not been actuated by any pusillanimous fear of war. But when they knew, that the governments of Prussia and Austria differed from them, they felt, that if war were entered into at all, it would extend over Europe; that, in fact, it would be a war between England and France on the one side, and all the northern Powers of Europe on the other. He did not mean to say that he should entertain any fear of success in such a contest; for he always felt, that if France and England were united, they need not fear all the Powers in the world. But although he did not fear the event of such a contest, he well knew, that it must be attended with such calamities, that he sincerely hoped, such an event would never occur. What was the Address? A statement of the opinion of that House, that the emperor of Russia had been guilty of a violation of the treaty of Vienna. Now, what answer could his Majesty be advised to give to such an Address; or what conduct could he be advised to pursue? It was quite impossible that his Majesty's Government should consent to become parties to such a vote, and not follow it up by some strong measure. It was for that reason, that his noble friends had urged his hon. and learned friend not to press his Motion. It was with the greatest regret that he took the course which he now must take, and which he had been most desirous to avoid; but as he could not possibly agree to such a proposition, under such circumstances, he was under the necessity of moving the previous question on his hon. and learned friend's Motion.

Mr. *Warburton* said, there was not one word in the speech of the hon. and learned Gentleman, who brought forward this question, and not one step in his argument, in which he did not concur: but it was one thing to entertain such opinions as an individual, and another thing for the Legislature to express them in a recorded vote, unless it was prepared to follow up the vote by an appeal to arms. The question, therefore, which he put to the House was this; was it prepared to support the vote by an appeal to arms? Was it prepared to see the Government come down to the House with a proposal to take such a course in the present state of this country and of Europe? The pledges which his Majesty's Government had given to the country on taking office he had approved of; and as the vote must compel the Government to hold a language towards Russia, which would be anything but conciliatory, and must lead to warfare, he could not support it. If the House were to say, that the Poles shall be free, that they shall have a Constitution, was that an attainable object? Did those who looked to an alliance with France against Russia, Prussia, and Austria, think the object attainable? He doubted whether it was. If we went to war, we ought to have a precise object in view; that object was not to ward off an invasion of India, or a partition of Turkey, but to secure to Poland independence and a constitution. Even if the object were attainable, it could be attained only at a vast sacrifice, and all hopes of internal improvement must be adjourned to a distant day. He could not concur in a vote which would lead to such a result as war, of all possible evils the greatest.

Mr. *Hume* protested, that there was nobody more anxious to keep the country from getting into war than himself; but he was surprised at the course just taken by his hon. friend, the member for Bridport. Did his hon. and learned friend, who made the

Motion, propose any recourse to arms? By no means. There was nothing which required such a proposition. He really could not understand by what train of reasoning his hon. friend, the member for Bridport, had arrived at the conclusion, that if they agreed to the Motion, they would pledge themselves to war. He (Mr. Hume) could see nothing in the Motion, but a declaration of the determination of that House not to be a party to the violation of the Treaty of Vienna. It was the moral effect of the Motion to which he looked for benefit. Strong as had been the speech of his hon. and learned friend, the member for Dublin, yet nothing could be more distinctly insisted upon in that speech, than the expediency of avoiding the evils and horrors of war, and of preserving the relations of peace and amity, looking to moral influence alone to attain the object in view. The conduct of Russia ought to be reprobated by that House in the face of all Europe. It was a violation of treaties and an outrage on humanity. The annals of history did not afford any instance of more cruel and persevering persecution of a nation, than that which Poland had sustained at the hands of Russia. Why was the noble Lord so unwilling to allow this? The proposition of his hon. and learned friend, was in strict conformity with the statements of the noble Secretary of State for Foreign Affairs, whose speech was one of the most satisfactory that he (Mr. Hume) had ever heard.

Mr. Secretary *Stanley*, far from condemning the warmth of expression which had been used in reference to the treatment of the unfortunate Poles, considered it honourable to the House and to the country. But they were bound to ask what effect the course which they were by this Motion called upon to pursue, was likely to have on our already delicate and complicated foreign relations. The hon. member for Middlesex, and his hon. and learned friend who had introduced the Motion, declared they had no wish whatever to force the country into a war; but the House was bound to look, not at intentions, but at probable consequences. And he would ask, if it were probable, that the proposed Address, coupled as it was with speeches, in which the Emperor of Russia was so personally attacked, by the grossest abuse, could go forth otherwise than as a direct offence and personal insult, and as a provocation to war and enmity? The hon. member for Birmingham had, indeed, expressly said, "Go to war;" but in that he really believed, the hon. Gentleman was pursuing the single object to which all his efforts tended. The hon. Gentleman thought, that if we went to war, we must again have a plethora of paper-money. War, no doubt, would be anything but disadvantageous to certain trades in the great town of Birmingham, though it might not prove equally advantageous to other towns, quite as much entitled to their sympathy and consideration as Birmingham. But he did not hesitate to express his belief, that the hon. member for Birmingham, supported the present Motion only as a simple means to lead to that state of things which, as he thought, would compel an unlimited paper currency. What was the great principle of Ministers, when they first entered upon their situations?—Peace at all hazards—at all risks—at all sacrifices—save that of national honour. Now, he asserted, that the treatment of the Poles by the Russians, was not only no cause for our entering on a war, but would be no justification whatever for any such a step. But he should say more than that, and contend, that we were bound by every political motive, to abstain from rushing into any war, the chief recommendation of which would be, that it had been taken up from chivalrous feelings. And let it be remembered by the House, that though we interpreted the spirit of the treaty of Vienna in a certain way, there were other Powers, whose relations, territorial and otherwise, with Russia, were of a much more delicate character than ours, who took a different view of it. And though he should never counsel that House to resign our own principles, still, in common foresight, in common prudence, and in common reason, we should not be justified in adopting measures which the other contracting parties—much more interested than we were—did not approve and would not agree to. He asked them, then, if they were prepared to take any steps which might lead to a war—a war of principles, the commencement of which would be fatal—the termination of which no human foresight could tell? Then, supposing they consented to pass this declaration, how did they propose to back it? You send a remonstrance to Russia, and, perhaps, receive in return a contemptuous and angry refusal. Were they then to go to war?

Did he hear any man say they must go to war? Let that man stand up and avow his opinions. Let the advocate of war, he said, stand up and appear as the disturber of that peace in Europe, the infraction of which Ministers had pledged themselves to postpone to the latest moment. Was there none such, then [An *Hon. Member:* Yes.] Well, the question, he admitted, had been fairly answered; and he hoped, before the conclusion of the debate, to hear the grounds on which the hon. Gentleman justified his opinions. Did the hon. Member suppose that a general war would be advantageous to our manufacturers? Would it be consistent with the honour of that House—would it be consistent with the honour of the country—would it be consistent with the high character England had hitherto maintained amongst the nations of the earth, that we should provoke a war, and afterwards flinch from it? There could not but be a great moral impression produced throughout, not only England, but all Europe, by that night's discussion, and by the unanimous expression of the feelings of the people of England on the conduct pursued by Russia towards Poland. This he himself rejoiced in. But with this he should rest satisfied, and he trusted hon. Members would not, in their legislative capacity, lead the country to what assuredly might produce danger, if not degradation. He trusted, that after all that had passed, the hon. member for Kircudbright, would yet consent to withdraw his Motion, satisfied with the moral impression the debate could not fail to produce in every quarter of the globe.

Lord *Dudley Stuart* said, that the expression of detestation of the conduct of Russia which had been heard in the House that evening, only echoed the sentiments of the country at large. It was, in his opinion, a proof of the weakness of the position which Ministers had thought proper to assume upon this question, that they had done little else than endeavour to ridicule the opinions expressed by the hon. member for Birmingham. The constant appeals which they had made respecting the danger of war, when nothing of the kind was contemplated, were merely *ad captandum*, and quite unworthy of consideration. Did not the right hon. Secretary for the Colonies know, that the man who pocketed an affront, was, after all, much more likely to be dragged into hostilities, than he who boldly repelled the first approach to insult. Why should the world be told that England was the only nation afraid of going to war. Might not Russia also fear to embark in hostilities? Ministers had, throughout the discussion, manifested an unwillingness to meet the question fairly. The noble Secretary for Foreign Affairs, had attacked the hon. member for Birmingham, for his notions respecting paper money, and the hon. Secretary for the Colonies could do nothing better than repeat the stale joke. This showed, that Ministers must have been hard pushed for arguments against the Motion. The contest between Poland and Russia was not yet at an end. Poland might be stunned with the blow she had received, but when an opportunity arrived, she would start up and shake off the odious, galling, and never-to-be-endured yoke. He hoped the hon. member for Kircudbright, would not withdraw his Motion, but would go to a division; for if the Motion should be withdrawn, what would be said by foreign nations, but that Ministers came down to bamboozle the House on questions suiting their own views, but when there was any practical measure they shrunk from it?

Mr. *Sheil* said, that he thought the Government ought rather to have dissuaded the hon. member for Kircudbright, from bringing forward his Motion at all, than now to suggest the propriety of withdrawing it. The noble Lord, the Minister for Foreign Affairs, had made two most important admissions—first, that the greatest horrors had been perpetrated and committed in Poland; and, secondly, that a treaty had been violated. Such admissions being made, was it proper that the House of Commons should not come to some decision upon the subject? Or, should not such a decision be come to, it might well be said, that the British Legislature refused to interfere, when the most monstrous outrages upon humanity by Russia were permitted to pass without notice. The hazard of a war had been urged upon one side as an argument against the Motion; but it should be remembered, that, on the other hand, the certainty of the loss of national honour presented itself in opposition. The inferiority of Russia, as compared with this country, was acknowledged; and could it then be said, that the British Legislature was only to make speeches, and leave Poland to perish? There had been expressed a convenient sympathy for the

miseries of Poland; but if the Motion were withdrawn, such sympathy, barren as it was, would be all that was achieved. The present Ministry, when they came into office, had called for a war establishment, equal to meet an European war, and having such a force, could they submit to the indignities which had been heaped upon the nation by Russia? That nation, with Prussia, were engaged on the one side, while England and France appeared on the other; and it had been said, that the latter ought to give way, notwithstanding the horrors which it had been admitted had been practised, and still were persevered in, against Poland. The fear of war had been the ground of all the arguments against the Motion, but it could not be tolerated that this country should tacitly submit. Perhaps his hon. friend, the member for Kircudbright, ought not to have brought forward his Motion, but having now done so, he should not consent to withdraw it.

Mr. *Cutlar Fergusson* said, that he had brought forward the Motion after due and deliberate consideration, and having done so, it was his intention to adhere to it. The step he had taken in submitting the Resolution he had moved was one which he was justified in taking, and having done so, he should not hesitate to bring the question to the test of a division. The right hon. Gentleman, the Secretary for the Colonies, had, instead of answering his (Mr. Fergusson's) arguments, addressed his observations entirely to the hon. Gentleman who had most widely departed from the question before the House, and the whole tenor of the right hon. Gentleman's speech was calculated to deter Members from bringing any Motion of such a nature before the House. He must, however, remind hon. Members, that neither in his speech nor by the terms of his Motion, did he call for war; indeed, the noble Lord, the Secretary for Foreign Affairs, had gone much further than he had done. The noble Lord's declaration was most extraordinary, because the noble Lord had acknowledged, that he would have gone much further than the Resolution, and had voluntarily declared to Russia that she had violated a treaty, and had persisted in that declaration after such an interpretation of the treaty had been denied by that power. What he wanted was, a record of the solemn opinion of the House upon this topic, and to gain the moral effect which such a declaration would, he was sure, produce throughout Europe. His Motion had been supported by reasons which remained unanswered, and he should, therefore, not withdraw it.

Sir *Robert Peel* had not the slightest notion that the hon. and learned Member had risen to reply, but merely to answer a question put to him, or he should have interposed before the hon. Gentleman had spoken. He was aware of the inconvenience of speaking after a reply, but the hon. Gentleman having expressed his determination to press the Motion to a division, that circumstance imposed upon him the duty of stating the grounds upon which he could not acquiesce in the Motion. He did not deny the right of the House to offer advice to the Crown with reference to the diplomatic relations of the country. He could conceive circumstances to arise of so grave a nature as to impose upon the House the duty of declaring its opinion and tendering its advice to the Crown; but he must contend, that the House ought to have a clear foresight of all the consequences which might ensue from their intercession. Care ought to be taken not to trench upon the royal prerogative, without a clear perception of the necessity of such a step: nor without scrupulously and carefully weighing the probable results of the interposition. Above all there ought to be nothing equivocal or ambiguous in the advice tendered to the Crown. The import of the present Motion, however, was in his judgment equivocal and ambiguous. It contained two distinct propositions; first, that this country was party to the Treaty of Vienna; and secondly, that that treaty had been violated. If the House were prepared to place this Motion upon record, the next step surely ought to be to offer some advice to the Crown, in language, clear and decisive, as to the course to be pursued. If this question related distinctly to any interest of our own, what language, consistently with the dignity and honour of England, would be used by the House? It would say to his Majesty—"Your Majesty is a party to a treaty—that treaty has been violated—the national honour is implicated—and we, the House of Commons, demand redress." But what was the Resolution of the hon. Gentleman in which advice was tendered? Not that the Crown should enforce the observance of those rights of Poland of which Eng-

land was the guarantee, but that the King should not recognise, or in any way give the sanction of his Government to the present political state and condition of Poland. If the House were satisfied that the treaty had been violated, and were prepared to record their opinion to that effect, then, in consideration of its own character—in consideration of what was due to the Crown—and in consideration of what was due to the people of Poland—there ought to be no misconception as to the real intentions of the House of Commons. But as he had already said, the language of the Resolution was ambiguous; they merely asked the Crown not to recognise or sanction the political situation and condition of Poland. But was the recognition or sanction of England in any way required? If withheld, how did the refusal better the condition of Poland? The emperor of Russia claimed for himself—whether right or wrong, he stopped not to inquire—an authority to control his subjects, who were in a state of revolt; and the hon. Gentleman contented himself with calling upon the Crown not to give its sanction to the present state of Poland. He did not comprehend what the hon. Gentleman meant; and when he referred to the language used in the debate, he was left still more in doubt. One hon. Gentleman said, that the Motion meant nothing—that it was of a negative character. Be it so, but surely it was not befitting the dignity of the House of Commons to place upon the Journals a record, that a treaty, to which England was a party, had been violated; and then to offer to the Crown advice of a negative character as it was termed. The hon. Gentleman said, that he expected no advantage from this address, and that the condition of the unhappy Poles would not be ameliorated by its adoption. Then why adopt it? The hon. and learned member for Tipperary said, that it was a question of ignominy or war, and that he had no hesitation in declaring for war in preference to ignominy. Yet he deprecated war, and said that this was not a step toward it. What then was it? Was it a mere *brutum fulmen?* Were no steps to be taken in consequence of this address? If not, then he implored the House not to set the example of an interposition, from which no fruits were to be expected. But if those who supported the Motion expected any fruits, he had a right to ask the nature and character of them. One hon. Gentleman said, let Government make a strong remonstrance to Russia, and if Russia made a strong remonstrance in return, then he had no doubt the people would support the Government in a war. But he for one would not involve the country in this collision of angry remonstrances, if war was to be the probable result. The Gentlemen who supported the address were much divided in opinion—some looked to war as a consequence scarcely to be deplored; others denounced war; but he deprecated making hostile remonstrances to a power like Russia, on a subject of this nature, unless they were prepared to follow them up by some decisive measure, in the event of their failure. An hon. and learned Gentleman said, that the time was come when the illusions of military glory were dissipated, and the true character of military heroes was justly appreciated. From such a declaration, he expected that the hon. Gentleman would have been a strenuous advocate for the maintenance of peace. But he found him among the most reckless partisans of war. He could not acquiesce in the address. If the national faith required the interposition of that House, he should be prepared to advise much stronger measures. He would have asked the Crown to remonstrate in the first instance, and, if necessary, to enforce that remonstrance by maintaining the rights of Poland. While he could not support the Resolution, he begged distinctly to state, that he participated in all the sentiments of admiration which had been expressed on the gallantry of Poland; and, at the same time, to express his sympathy and deep regret for the sufferings of that nation, by supposing the statements of the hon. Gentleman founded on fact. On a former occasion, when the hon. Gentleman had introduced the subject before the House, he had deprecated a too ready belief of the hon. and learned Member's statements, though he did not undertake to contradict those statements, and particularly that with regard to the removal of orphan children; but if the statement was well founded, that children, not orphans, were forcibly removed—not, as he had supposed, for the purposes of protection—if it were really true, that 5,000 families had been driven into exile without any proof of guilt, while he could not conceive the policy of such a course of conduct, yet if such was pursued, no man was

prepared in stronger terms than himself to express his deep regret and indignation, at such a violation of the rights of common humanity. He would remind Russia of her own expressions as to the existence of those rights, and the claims of powerful nations to enforce them, during the war between Turkey and Greece, when the Porte threatened to remove the inhabitants of the Morea. Russia then declared, that such a proceeding was a violation of all the rights of humanity, and that it should not be allowed. After such an opinion pronounced and acted on by Russia, he still clung to the hope that the statements were exaggerated. If, however, the statements were true, he begged that his non-acquiescence in the present Motion should not be considered as a proof that he was indifferent to the wrongs and sufferings of a gallant people, or that he did not share in those feelings of indignation, which, if the conduct of Russia were truly described, would be unanimous throughout the House and the country.

Lord *Sandon* feared much lest the arguments of the hon. mover's supporters might be taken as a part of his Motion, and that its passing would only add to the difficulty which now prevailed, and perhaps excite delusive hopes amongst the Poles, which might be productive of dangerous consequences. These were the reasons which would oblige him to vote against a Motion which he had formerly supported.

The House divided on the previous question or, that Mr. Fergusson's Motion be put. For the Motion 95—Against it 177.

List of the AYES.

ENGLAND.
Aglionby, H. A.
Attwood, T.
Barnard, E. G.
Beauclerk, Major
Blackstone, W. S.
Buckingham, J. S.
Bulwer, H. L.
Cayley, E. S.
Clive, E. B.
Cobbett, W.
Cornish, J.
Curteis, H. B.
Curteis, E. B.
Darlington, Earl of
Dashwood, G. H.
Dawson, E. S.
Denison, W. J.
Dykes, F. L.
Evans, Colonel
Ewart, W.
Faithfull, G.
Gaskell, D.
Godson, R.
Guest, J. J.
Halse, J.
Harvey, D. W.
Hawkins, J. H.
Howard, Hon. F. G.
Hughes, H.
Hume, J.
Hutt, W.
Inglis, Sir R. H.
Jervis, J.
Kemp, T. R.
Kennedy, J.
King, E. B.
Langdale, Hon. C.
Langton, Colonel G.
Lowther, Hon. Col.
Molesworth, Sir W.
Parrott, J
Philips, M.
Poulter, J.
Rippon, C.
Robinson, G. R.
Romilly, E.
Scholefield, J.
Stavely, J. K.
Tayleur, W.
Tennyson, Rt. Hn. C.
Thompson, P. B.
Throckmorton, R. G.
Townshend, Lord C.
Tynte, C. J. K.
Verney, Sir H.
Welby, G. E.
Whalley, Sir S.
Wilks, J.
Williams, Colonel
Wilmot, Sir J. E.
Wood, Alderman
Young, G. F.

SCOTLAND.
Agnew, Sir A.
Johnston, A.
Marjoribanks, C.
Maxwell, Sir J.
Oswald, R. A.
Pringle, R.
Sinclair, G.
Wallace, R.

IRELAND.
Bellew, R. M.
Browne, D.
Butler, Hon. P.
Chapman, M. L.
Finn, W. F.
Fitzgerald, T.
Fitzsimon, C.
Jephson, C. D. O.
Macnamara, Major
Martin, J.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connor, F.
O'Dwyer, A. C.
Perceval, Colonel
Roe, J.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Vigors, N. A.
Walker, C. A.
Wallace, T.

TELLERS.
Fergusson, R. C.
Stuart, Lord D. C.

List of the NOES.

ENGLAND.
Althorp, Lord
Atherley, A.
Baring, F. T.
Baring, H. B.
Barnett, C. J.
Bentinck, Lord G.
Biddulph, R. M.
Blamire, W.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Buller, J. W.
Buller, E.
Bulteel, J. C.
Burdett, Sir F.
Burton, H.
Byng, G.
Campbell, Sir J.
Carter, J. B.
Cavendish, Hon. C.
Cavendish, Hon. Col.
Chandos, Marquess of
Chaytor, Sir W.
Clive, Viscount
Crawley, S.
Dilwyn, L. W.
Divett, E.
Dundas, Capt. J. W.
Dundas, Hon. Sir R.
Ebrington, Viscount
Ellice, Right Hon. E.
Estcourt, T. G. B.
Fancourt, Major
Fazakerly, J. N.
Fenton, J.
Ferguson, Sir R.
Fitzroy, Lord J.
Forster, C. S.
Fox, Lieut.-Colonel
Frankland, Sir R.
Gladstone, W. E.
Gordon, R.
Graham, Rt. Hn. Sir J.
Grant, Right Hon. R.
Greene, T. G.
Grey, Hon. Colonel
Grey, Sir G.
Gronow, Captain
Grosvenor, Lord R.
Grote, G.
Hanmer, Colonel H.
Hardinge, Sir H.
Harland, W. C.
Hawes, B.
Heathcote, J. J.
Herries, Rt. Hn. J. C.
Hodges, T. L.
Hodgson, J.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hudson, C.
Hurst, R. H.
Hyett, W.
Irton, J.
James, W.
Johnstone, Sir J. V.
Key, Sir J.
Knatchbull, Sir E.
Langston, J. H.
Lee, J. L.
Leech, J.
Lefevre, C. S.

Lennox, Lord G.
Lester, B. L.
Littleton, E. J.
Lumley, Viscount
Lyall, G.
Maberley, Colonel
Macaulay, T. B.
Mangles, J.
Martin, J.
Mildmay, P. St. John
Molyneux, Lord
Mostyn, Hn. E. M. L.
Newark, Viscount
Nicholl, J.
North, F.
Palmerston, Viscount
Peel, Rt. Hon. Sir R.
Patten, J. W.
Pendarves, E. W.
Peter, W.
Pigot, R.
Plumptre, J. P.
Poyntz, W. S.
Price, Sir R.
Rickford, W.
Rider, T.
Ridley, Sir M. W.
Rolfe, R. M.
Rooper, J. B.
Russell, Lord J.
Russell, C.
Scrope, C. P.
Sandon, Lord
Sanford, E. A.
Scarlett, Sir J.
Seale, Col.
Shawe, R. N.
Slaney, R. A.
Smith, J. A.
Smith, J.
Smith, R. V.
Somerset, Lord G.
Stanley, Rt. Hn. E. G. S.
Stanley, Hon. H. T.
Stanley, E.
Stewart, P. M.
Strutt, E.
Tancred, H. W.
Thicknesse, R.
Todd, R.
Torrens, Col.
Tracy, C. H.
Trelawney, W. L. S.
Thompson, Alderman
Vernon, Hon. G. J.
Vernon, G. H.
Walker, R.
Warburton, H.
Ward, H. G.
Warre, J. A.
Waterpark, Lord
Watson, Hon. R.
Whitmore, W. W.
Wilbraham, G.
Williamson, Sir H.
Willoughby, Sir H.
Winnington, Sir T.
Wood, G. W.
Wood, C.
Wrottesley, Sir J

SCOTLAND.

Abercromby, Rt. Hn. J.
Adam, Admiral
Bannerman, A.
Callander, J. H.
Colquhoun, J. C.
Dalmeny, Lord
Elliot, Capt. G.
Ewing, J.
Ferguson, Capt.
Fleming, Hn. Admiral
Grant, Rt. Hon. C.
Haliburton, Hn. D. G.
Hay, Col. A. Leith
Jeffrey, Rt. Hon. F.
Kennedy, Thomas T.
Mackenzie, J. A. S.
Macleod, R.
Maxwell, J.
Murray, J. A.
Ormelie, Earl of
Sharpe, General
Stewart, R.
Stewart, E.
Stewart, Sir M. S.
Trail, G.

IRELAND.

Acheson, Viscount
Cole, Hon. A.
Gladstone, T.
Hill, Lord A.
Howard, R.
Jones, Capt. T.
Lefroy, D. T.
Mullins, F.
O'Callaghan, Hon. C.

TELLERS.

Duncannon, Lord
Rice, T. S.

HOUSE OF LORDS,

Wednesday, July 10, 1833.

MINUTES.] Bill. Read a third time:—Corporation Offices.

Petitions presented. By the Earl of RADNOR, from Long Wittenham, for the Repeal or Alteration of the Sale of Beer Act; from a Welsh Society in London, for making a Knowledge of the Welsh Language imperative on Clergymen appointed to Places in Wales; from Paisley, for an Alteration in the Irish Episcopal Church Establishment; from Glasgow and Fenwick, to the same effect; from the Protestant Dissenters of Stockton-on-Tees, Builth, and the Back-Street Meeting, Tulbuy, praying for Relief in respect to Marriages, Registrations, and Church Rates; from Roman Catholic Clergymen for the Legalization of Roman Catholic Marriages; from Enniscorthy and Templeshannon, for the Abolition of Tithes; from Burton-upon-Trent, for the Abolition of Tithes; from the Teignbridge Agricultural Association, for the Abolition of Tithes, &c.; from the Proprietors and Occupiers of Land in Trigg, for the Commutation of Tithes; from John King Watts, for the Removal of Civil Disabilities affecting the Jews; from Protestant Dissenters of Grantham, for an Improvement in Parochial Registration, and to Exempt from Poor Rates all Places of Religious Worship; from St. Giles's, Camberwell, for the Repeal of the House and Window Taxes; from the Union of Edremine, for the Repeal of the Union with Ireland; and from the United Associate Congregation of Kilwinning, and several other Places, for the Abolition of Slavery.—By the Bishop of LONDON, from the Clergy of a Number of Places, against the Church Temporalities (Ireland) Bill; from the Operatives of the West Riding of Yorkshire, in favour of the Factories Regulation Bill; from the Labourers of Tunbridge Wells, for the Revision of the Poor Laws.—By the Earl of CAMPERDOWN, from several Places in Scotland, against Slavery; and from Haddington, &c., for a Better System of Church Patronage in Scotland.

AGRICULTURAL LABOURERS' RATE BILL.] The Duke of Richmond moved the third reading of this Bill.

The Marquess of *Salisbury* objected to the clause introduced into the Bill by the Bishop of London, which he trusted the right reverend Prelate would withdraw, as he felt convinced its provisions could never be carried into effect. He complained that this Bill, which was intended to be merely explanatory, would expose many parishes to the operation of the Bill, which ought to be exempted. He thought, too, that in some of its provisions it could never be made effectual.

The Bishop of *London* could never consent to do the suicidal act of strangling his own offspring at this stage. He thought it a sufficient answer to the noble and learned Baron, that the principles of the Bill had been already found effective in a great many instances. So far from withdrawing the clause complained of, he intended to propose an explanatory clause, to make the real meaning still more clear. The right reverend Prelate then proposed an explanatory clause.

Lord *Wynford* said, there was not a single individual who had spoken on this Bill who did not admit that it was founded on an unjust and vicious principle, since it would materially affect those who had nothing whatever to do with agricultural labour. The noble Duke asserted, that it would be beneficial in preventing disorders from breaking forth in the agricultural districts, by giving the labourers employment; but he begged leave to state to the noble Duke, that those disorders were committed for the most part by persons

who were in full employment, and many who were connected with those disgraceful riots, had nothing whatever to do with agriculture. He thought that with proper care, and with a due administration of the existing law, the poor of this country might be placed in a comfortable situation without the assistance of such a measure as this. The Bill, he contended, was manifestly unjust; because, under its provisions, individuals would be obliged to maintain a species of poor with whom they were unconnected, while others, who really ought to bear the burthen, would, in a great measure, be exempted from it. The only effect of the measure would be to hold out an expectation of relief which never would be realized. The clause which the right reverend Prelate meant to introduce would not cure the defects of the Bill, and he therefore should move, "That the Bill be read a third time, this day six months."

The Bishop of *London* explained, that his chief object in introducing the clause was to protect the clergy. He had also another object—namely, to remedy the inherent vices of the Bill, and make, if that were possible, the labour-rate tolerable. Though he had voted against the measure in its former stages, from the readiness of the noble Duke (the Duke of Richmond) to admit his clause, he did not think himself justified in voting against the third reading. He trusted, however, that the measure would be only a temporary one, and would not stand in the way of future improvements.

The Duke of *Richmond* said, the noble Lords who now opposed this measure had not advanced any new grounds to induce their Lordships to alter the decision to which they had come, on former occasions, in favour of the Bill. It was asserted, that the adoption of this plan would create great expense wherever it was introduced. But those who used that argument ought to recollect that the agreement to introduce this plan would not be valid without the sanction of a majority of Justices specially assembled in petty sessions. Those Justices most assuredly, would be well acquainted with the feelings of the landlords and farmers to whom the Bill applied. It was alleged, that this Bill would bear heavily on the clergy and lay-impropriators; but did those who made the objection forget that the clergy and lay-impropriators now paid for the support of those who were out of employment,—that they were obliged to pay their share of the Poor-rates? Such was the fact. They were compelled to grant support to the unemployed agricultural labourer, and they received no labour in return. He wished, by this measure, to restore that honest pride of independence which formerly characterized the labourers of this country. He was anxious that they should owe their support to their own industry and independent exertions; but, under the existing system, they became the weekly, and, he was afraid, not unwilling pensioners of their respective parishes. The Bill, he admitted, might be defective; but if they could not at once arrive at perfection, was that a reason for saying that they would not do something, however little, to come as near as possible to that point? The present Bill was only proposed as a temporary measure, as a palliative of the evil which was admitted on all hands to exist. Now, he should be glad if those who opposed the Bill would show him in what way it went beyond the practice of the Poor-laws; at the same time he admitted, that the practice of those laws had gone beyond the spirit of the laws themselves. The measure which he proposed would discourage improvident marriages, and would do away with the most degrading part of the present system—that of employing labourers on the highway. It had succeeded, as he had formerly shown, in 400 parishes, and he could now adduce many additional instances of its utility. In confirmation of the benefits to be derived from the plan, he would read an extract from the evidence of a clergyman on the subject, and he was happy to adduce the opinion of a clergyman, because he believed, whatever might be said to the contrary, that the Clergy felt no wish to be opposed to the land-owners or occupiers, but, on the contrary, were anxious to stand on the best terms with them; and, on the other hand, he was well convinced, that the land-owners did not harbour a desire to act unjustly towards the clergy. That clergyman, the reverend Mr. Bosworth, of little Horwood, Buckinghamshire, in his evidence before a Committee of the House of Commons, in 1828, stated that, in his parish, the Poor-rates in December, January, February and March, were less than they were on the following June; and why?—because in the winter months a labour-rate had been

agreed to, which, in the summer months, was discontinued.

The Marquess of *Bute* contended that the present Bill would, in effect, create a very great extension of the Poor-laws; and he did hope that the decision of their Lordships, which he trusted had still some little weight with the country, would be opposed to such an unfortunate extension of those laws. What was the principle of the Bill? Why, it was simply that a man should take no trouble to get employment for himself. Such were almost the words of the preamble. The noble Duke had told them that the measure had succeeded in a great number of instances. The fact was, that the Poor-laws had been the worst administered for the last thirty or forty years, in those places where the measure had operated beneficially. The effect of this Bill would be to treat every labourer in England as a pauper, and therefore he should oppose it.

The Amendment was negatived, and the Bill read a third time, and passed.

HOUSE OF COMMONS,
Wednesday, July 10, 1833.

MINUTES.] Bill. Read a second time:—Burglary; and referred to a Select Committee.

Petitions presented. By Sir HENRY PARNELL, from Dundee, against the Bankrupts (Scotland) Bill; from the Linen Weavers of Dundee, for an Alteration in the Mode of paying them.—By Mr. BELL, from Tynemouth, against the Notaries Public Bill.—By Captain WEMYSS, from Strathmiglo, for a Better System of Church Patronage (Scotland).—By Mr. HALFORD, from Frame-work-knitters of Leicester, against Cut Hose.—By Mr. GROTE, from Merchants of London, for a Reduction of the Duty on Currants.

INNS OF COURT.] Sir *Francis Vincent* presented a Petition from the attornies of Westminster, complaining of the regulations whereby students were entered, and subsequently called to the bar, and praying a Committee of Inquiry into the conduct of the benchers relative to the mode in which students were admitted to the bar. The hon. Member had given a notice of Motion on this subject, but the House having been counted out on the day for which it stood, he felt it his reluctant duty to postpone the question till the next Session of Parliament. The grievance pressed peculiarly hard upon the petitioners. The privileges exercised by the benchers of the different Inns of Court had only this to recommend them, that they had been possessed for a great length of time, and had been suffered to exist through several ages, without any inquiry into the origin or tenure of them, but they were neither founded in justice nor reason, and he knew no cause why such a monopoly should be suffered any longer to exist. He would remind the House of the case of the hon. member for Colchester, and said, that if ever there was a case replete with injustice, it was the case of that Gentleman, and formed a sufficient argument alone for a legislative inquiry into the subject. According to the present custom, the high road to this branch of art, which he might call the highest of all the professions, might be closed to men of talent and genius at the caprice of a body of men who were not responsible to a higher tribunal, and in no degree subject to public opinion. Even the Judges could not touch them with a *mandamus*, nor were they permitted to interfere in any other character than that of a bencher, or, if they were members only, as visitors. It had been the boast of this country that genius could obtain encouragement and promotion in the worst of times, but it could never be said so with regard to the legal profession so long as this system was permitted to continue. In the case of attorneys, it was a monstrous hardship, as, in many cases, if they were desirous to come to the bar, they were obliged to give up, perhaps a lucrative business, and speculate upon the chances of being arrested in their progress to the bar by the caprice of a set of individuals who had the power to reject them without condescending to assign any reason.

Mr. *Philpotts* had been requested to support the prayer of the petitioners, but, he must say, that the powers possessed by the Inns of Court were always considered necessary to prevent the admission of improper persons to the bar. He had investigated the case of the hon. member for Colchester, and he was enabled to say, that a very material circumstance connected with the case of that hon. Gentleman had been kept back from the knowledge of the persons who were inimical to his admission. He thought, therefore, in justice to that individual, a fair opportunity ought to be afforded him of adducing evidence to rebut the charges which had been brought against him, out of respect to his own character as a member of that House, as well as out of respect to the character of the House itself.

Colonel *Evans* supported the petition.

He had seen the documents in the case of the hon. member for Colchester, and must say, that although the House was to presume that the learned body of persons who presided in the benchers' Court could not be impeached for the course of conduct they had thought proper to pursue on the occasion referred to, still, considering the prominent line in political life which had been taken by the hon. member for Colchester, it was as essential for the character of the benchers themselves, as it was for the vindication of the hon. Member, that all the documents on both sides of the case should be laid on the Table of the House to prevent the possibility of a garbled statement.

Mr. *Sheil* considered it a great anomaly that a gentleman who had been a Member of the Legislature of his country for a period of fourteen years, and, indeed, a Member distinguished for his great abilities should be deemed by any set of persons unworthy of holding a place at the bar. It appeared to him a monstrous anomaly.

Mr. *Lloyd* thought it a matter of the highest consequence, that the bar should be kept free from suspicion on all occasions; but he conceived the only question was whether this assembly of benchers should be amenable to public opinion or not? He had himself formerly entertained a considerable prejudice against the conduct of the hon. member for Colchester, but he was bound in justice to that Gentleman to say, that after a careful investigation into the whole of the case, he felt assured, that it would require very strong facts indeed to remove the impression on his mind that there was nothing in his case that warranted the exclusion of that Gentleman from the bar. He believed that the benchers, in this particular instance, were actuated by the best motives, but he thought that the error they had committed in this particular instance was an irresistible argument for an alteration of the system.

Mr. *Harvey* trusted that the subject would go before the Committee unincumbered by any consideration of a personal character, and would be viewed as a public question.

The Petition laid on the Table.

Repeal of the Union.] Mr. *Fergus O'Connor* presented a Petition from New Ross, for the Repeal of the Union (Ireland). He observed, that it was in vain to expect any peace for Ireland till the ways to justice were purified. He did not wonder at the incredulity of some hon. Members at the appalling statements of the patriotic Irish Members; but, did those hon. Members fully understand how miserably Ireland was governed, their incredulity would vanish. Above all others, the Magistrates grossly abused their power. Since the tithe agitation, they had acted in a most arbitrary manner as regarded certain fines, which instead of 2*s.* 6*d.*, the legal amount, they had raised arbitrarily to 5*l.*, and in consequence the gaol of Carlow was at the present moment full of unhappy wretches, guilty of no crime but that of inability to pay the arbitrarily increased fine. The right hon. Secretary for Ireland had taken into his head to set forth in a triumphant manner the fine buildings, the exports, and so on of Ireland; but all these things, so far from exhibiting the prosperity, indicated the poverty, of the Irish. The Repeal of the Union was the only thing that could set matters right; this Union had done all for England, and nothing, or worse than nothing, for Ireland. So far from being better off, and consequently happier, than before this event, the Irish were worse off, and more miserable. It was no sign of their prosperity, although the Irish Secretary said it was, that they exported half their provisions—for they were left to starve on the rest; the English had robbed the Irish of all their domestic trade to support their own interests; and the Irish, instead of furnishing themselves, were compelled to buy of the English at double the natural price. The taxation on the forced imports into Ireland was laid on, not so as to suit Irish poverty, but English wealth. All the cobweb arguments of the hon. Secretary for Ireland would flee before that fair, reasonable, and plain statement, which would so shortly be made to the House. As to his statements, they would be shown to be all incorrect. In short, nothing but domestic legislation would ensure to the Irish domestic happiness. He had three petitions to present in favour of the Union; but before he presented them, he would challenge the hon. Gentleman opposite to fight him foot to foot on the argument, as to the vaunted prosperity of Ireland, and the necessity of a Repeal of the Union.

Mr. *Littleton* said, as to the observations of the hon. Gentleman with regard to the Repeal of the Union, he had but a very few words to utter in reply. That was a

proposition so utterly devoid of common sense, that it was scarcely necessary for him to say, that when it was brought forward, it would be met by the most strenuous opposition. He need scarcely use such strong language, for the proposition was so extremely absurd—so opposed to the feelings and interests of both Englishmen and Irishmen, that any strenuous exertion would be totally unnecessary, in order to ensure it a signal defeat.

Mr. *Finn*, in supporting the petition, said, that Ireland could never expect any justice from a Legislature in which English and Scotch feelings of self-interest absorbed every other consideration. The Reformed House of Commons had given Ireland a pretty sample of their good feeling and sympathy in the Irish Coercion Bill. Yet this was but of a piece with the rest; for Ireland had been thus trampled upon by her English "protectors" for the last 600 years. It was time this monstrous tyranny should end. There was great talk about Poland and her wrongs; if England talked to Nicholas of Russia about Poland, he would point to Ireland, and tell England to hold her tongue for shame. In Ireland there had been no pretence for the worse than Russian outrage which had been lately perpetrated on her; there was not evidence enough to convict a miserable wretch of petty larceny, yet was the sentence of the Coercion Bill passed. This could not last; it was time that Ireland should effectually assert her happiness, and, above all, her independence. Out of 8,000,000 (the whole population), 6,000,000 were Repealers; and, next Session, that 6,000,000 would send in their signatures to the House to tell them so. The Irish would no longer submit to their miseries, which they found, instead of diminishing, were increasing. They would no longer feed the English, and starve themselves; they would no longer be persuaded that they were getting fat upon the beef and bread consumed by the English. The Irish were said to be indifferent as to how things were going on; but did it speak nothing for the opinions held in Ireland, that he, an humble individual, with but a bare competence, was sent into that House, ousting a man of enormous property in the county? In short, the people of Ireland would no longer starve, and have their trade destroyed, merely to please the English; and, therefore, all Ireland was earnestly set upon that Repeal, which was their only hope of happiness, prosperity, and independence.

Mr. *Sinclair* regretted that the hon. Member had, in the course of his speech, cast reflections upon the conduct of the Scotch and English Members of the House, in reference to Ireland. How could it be supposed, that they could entertain any other than friendly sentiments towards that country? Such remarks had a most pernicious tendency, as they were calculated to foment feelings of acrimony on the part of the Irish towards their fellow-subjects. If he were writing a Dictionary of Synonymes, he should place dismemberment of the empire as an equivalent to the Repeal of the Union. The Coercion Bill had not been intended to overthrow, but to protect the liberties of the industrious and peaceable inhabitants of Ireland—to check the nocturnal outrages of incendiaries, and restore the empire of the law. Were English and Scotch Members the only supporters of that measure? Was its necessity not contended for by a large proportion of most respectable Irish representatives? When he or any other Member, not connected with Ireland, took any part on any Irish question, he was immediately told, that he knew nothing about that country; but, on the other hand, let him take what view he might of any subject interesting to the sister kingdom, he was sure to be borne out by competent Irish authority—for there was no single point in which gentlemen, who had resided equally long in that country, and possessed an equal share of patriotism, fortune, talent, and experience, did not express opinions the most contradictory and irreconcilable. The hon. Gentleman, like many others, had constantly reiterated the fact, that the Irish population amounted to eight millions. He hoped, that this assertion was not resorted to by way of menace or intimidation—if so, it reminded him of a boroughmonger, who wanted to extort certain concessions from a Prime Minister—and whose reply to every argument or objection was, "we are eight." It was thus that the House was continually met, when any arguments were adduced against the Repeal of the Union, by the averment, that the Irish population amounted to eight millions. He trusted, that a large proportion of that number were attached to the permanence of the Union—a senti-

ment in which an overwhelming majority of the English and Scotch population cordially participated — and that, when the question was fairly brought forward, the motion for its repeal would meet with an almost unanimous rejection.

Mr. *Sheil* supported the prayer of the petition, because he was prepared to show, from a variety of considerations, the absolute necessity of a repeal of the Legislative Union. He said, that the Gentleman who had just sat down had declared, that the repeal would lead to dismemberment. The hon. Member's country gave him some right to a sort of political second sight; but, after all, when they heard these prophecies, they should look a little to the prophets. What did they know of Ireland who indulged in these predictions? "Repeal led to dismemberment!" It was said, that Reform would lead to revolution, but as the Reformers were not scared by the announcement, the advocates of Repeal would scarcely be deterred by these forewarnings, unless some better evidence were offered than the authority of the soothsayers. He (Mr. Sheil) would admit, that, at this moment, the feelings and opinions of the great body of the English people were adverse to Repeal; but English feeling and opinion were subject to mutation. In June, 1827, Lord John Russell said, that he almost despaired of carrying Reform, in consequence of the insensibility of the public to its value. In a few years what a change had been effected! And it was not impossible, that, when this question came to be discussed, the English nation might see, that it was their interest that Ireland should be permitted to settle her own affairs. It was quite true, that Ireland now enjoyed (whatever be the advantage) the exclusive benefit of the English market. But let Englishmen beware how they pressed that argument. It rested on the Corn-laws, on arrangements at variance with the principles of the political economists of the House. Let them abolish the Corn-laws, give cheap bread, and then to the argument in favour of the Union, drawn from the English market, there would be an end. Sir H. Parnell had stated, in his work on finance, that England paid 12,000,000*l.* as the cost of the Corn-laws. It was not very likely that she would submit to that tax on the human stomach. When, then, the English market would be thrown open to the world, what would become of the reasoning derived from our existing monopoly, and, for the maintenance of the Union, what essential argument would then remain? He conceived, that it was not necessary to dispute the arithmetical statements of the Secretary of the Treasury, in order to show that a Repeal of the Union would not be of disservice to Ireland. Admitting, that the exports and imports had increased, let it be remembered that the population had also doubled, and the imports had kept pace with the population. Thus the mass of human happiness had not increased, and individuals were not in the enjoyment of a greater quantity of the articles that administer to comfort, and are instrumental to felicity. There was as much wretchedness in Ireland now as before the Union. Supposing, then, that the cotton trade had grown up in Belfast, and that Ireland had exported 9,000,000 of yards of cotton in 1829, still these and other fiscal facts could not meet all the arguments derived from the increase of absenteeism, and the dreadful drain of the heart's blood of the country. Besides, the Secretary for the Treasury ought to bear in mind, that the sophism, called "*non causa pro causa*," was, of all others, the easiest to resort to. Did it follow, because Ireland might, in some particulars, have improved, that her progress should be ascribed to the Union? Had the Union never taken place, would not Ireland have advanced much more rapidly? It was far more reasonable to compare the advancement of Ireland since 1782 to 1800, with her advancement since 1800 to 1833, than to rely on the alleged fact, that since 1800 she had grown richer, without reference to her antecedent strides in national improvement. "How fast," said the Unionists, "has Ireland run, since the Union, in the career of greatness?" The Repealers answered, "Look to the velocity of her progress before it." But arguing this matter merely in a financial view, let not the Secretary of the Treasury conceal from himself the important circumstance, that the revenue of Ireland, before the Union, exceeded her expenditure, and now the expenditure exceeded the revenue. The Irish were often told, that they derived signal advantages from British legislation. How had the country been governed? Like a miserable and pitiful province. A colonial system had been maintained. There was not an Irishman in the Cabinet—there

was not an Irishman representing an Irish county, city, or borough, holding any office whatever in connexion with the Government. In Ireland every office was in English hands. The Lord-lieutenant, the Secretary (this was the nineteenth since the Union), were English. Ireland was the apprenticeship to office. Men who knew nothing of the country were despatched to learn, at the cost of the Irish, the art and mystery of Government. The Under-Secretary was Sir William Gosset, a most estimable gentleman. But what were his qualifications? He had gone as an engineer to Algiers, and was turned into an Irish Secretary, to administer the Algerine Act! The private Secretary to the Lord-lieutenant was a Hanoverian Baron. The Commander of the Forces, the Adjutant-General, were all English. They had seven English Bishops. The Archbishop of Dublin had done great service; but look to Cashel—a tutor was taken from the cloisters of an English University, a mitre was clapped on his head, and he and all his family were quartered upon the Irish Church. He had gorged his nephew with livings. Was this not a colonial system? "Then (said the hon. Member) look to the legislation of this Imperial Parliament. The Catholic question was delayed twenty-nine years. Look to your Tithe Bills, and your empirical experiments on the Church, and your Insurrection Acts, and Coercive Bills, your blunders, and your despotism, your incongruities, your vacillations, unravelling in one Session what you have wrought in another, acknowledging your failures, and yet persevering in them. Have you not given up your Tithe Bill? You have another in store. You will lay the impost on the landlords. This is a droll expedient for the conciliation of the Protestants of Ireland. Thus it is that you go on, exhibiting equal proofs of incompetence and of presumption, and furnishing us with facts, which, when the time shall come, we shall know how to wield against you. It is imagined, that we can urge nothing in support of Repeal. Wait a little, and you shall see what can be advanced in its sustainment. Your own insane legislation is the best argument we can advance in its favour. The Ministry themselves have pushed the Irish Members to this extremity. They excited such a feeling by their tithe crusade that, at the hustings, no man could stand against its overwhelming power; and having pushed us to this necessity, we will abide by it. We carried our emancipation, as you carried your Reform. The will of the English people overcame every argument, and if ever the united will of Ireland shall demand Repeal, to that will some heed must be given. Let some years go by—persevere in your system of offensive misrule—and you will learn to treat this question with feelings very different from those of delusion and contempt. Do but continue to disregard the admonitions of the majority of the Irish Members, and, in your divisions, overwhelm them with your English majorities, and you will find, that the millions beyond these doors will make up for the want of hundreds within them."

Sir *Francis Burdett* admitted, that the Government had committed a great error as regarded the Tithe Bill; but he denied that any Catholic Association had accomplished Catholic emancipation. It resulted from an improved sense of liberality on the part of the Protestant mind in England as well as in Ireland. As to the Repeal of the Union, he wished to know whether the grievances of Ireland had grown up since the Union only. He regretted irritation on the subject, because irritation was not necessary to a good cause. He denied that there existed any want of sympathy on the part of the Members of that House or the country in the cause of Ireland. Instead of such general allegations which could be productive of no benefit to Ireland, if hon. Members would only bring each subject separately before the House, he was persuaded the greatest possible attention would be paid to the arguments in their favour. For his part he was not against arguing the question: as it was agitated, he wished to hear what could be said in its favour.

Mr. *Spring Rice* said, he would not now enter into the discussion of a Repeal of the Union; the Motion of the hon. Member (Mr. Fergus O'Connor) stood for Tuesday, when he should be fully prepared to accept the challenge he had given him. He expressed a hope, that as the hon. Member stood pledged to his constituents, to the House, and his own consistency, he would not retract the pledges he had given, but would bring it as manfully before the House as he had now challenged him to do.

Petition laid on the Table.

EAST-INDIA COMPANY'S CHARTER.] On the Motion that the East-India Company's Charter Bill be read a second time,

Mr. *Buckingham* said, that however desirous he might be of facilitating the progress of public business, and anxious to remove every obstacle in the way of its despatch, still there was a limit to that desire, when injustice was likely to be the result of haste; and as this limit would, he conceived, be passed, if the second reading of the Bill now before them should be at once agreed to, he felt it his duty to enter his solemn protest against its principle rather than its details—and on that ground he intreated the attention of the House while he stated to them the reasons which induced him to oppose the Bill in its present stage. The idea of consigning over to a Joint-Stock Association, composed of such heterogenous materials as the East-India Company, the political administration of an empire peopled with a hundred millions of souls, was so preposterous, that if it were now for the first time to be proposed, it would be deemed not merely an absurdity, but an insult, to the meanest understanding in the realm. This, indeed, seemed to be indirectly admitted, by the apology for this anomaly which was always coupled with its annunciation. While the East-India Company were mere traders, it did not seem altogether unreasonable that they should have the direction of the small factories in which their commercial transactions were conducted. But from the moment they passed from the character of mere traders to be merchants and sovereigns at the same time, their position was one that was rather excused than defended, in the confident belief that when their commercial body should cease, their sovereignty would be at an end; and that though they might be allowed a Charter to trade, no one would ever dream of their asking for a Charter to govern—as that was the business, not of private individuals, but of the Government and the State. Now, the Bill upon the Table of the House took away from them entirely the mercantile character of the Company, prohibiting them even from having any further concerns whatever of trade;—commanding them to sell all their mercantile property, dismiss their mercantile servants, dispose of their ships, warehouses, and stores; and, in the same breath, it erected the members of this Joint-Stock Association—who were deemed unworthy of any exclusive privileges of a commercial nature being continued to them—into a governing body, to whose wisdom and to whose care was to be consigned the welfare and happiness of a population four times as large as that of all Great Britain, and living at a distance of at least 10,000 miles! The ground upon which this monstrous proposition was maintained, was, that the East-India Company had given such proofs of their capacity for business, and talent for government, that it was difficult to say in which they most excelled; and that in consequence of their excellent system of rule, India had progressively advanced in happiness and prosperity, with such a rapidity as made it dangerous to change that system, or hazard its destruction by placing its administration in other hands. He would venture to assert, on the contrary, that both as traders and as rulers, as merchants and as sovereigns, the Company had given such proofs of incapacity, as to justify our calling upon them to resign their trust to persons more competent to exercise it than themselves. If the House would give him but their patient attention, he would undertake to prove, by evidence the most unquestionable, the truth of these allegations; and if their truth should be established, all he would ask would be, that the House should pause before it consented to hand over the people of India for another twenty years, to be victims of such a system, and see whether means might not be devised, with safety to the people and honour to the Crown, for governing the country by the direct exercise of power through the Ministers of State, instead of through the agency of a Joint-Stock Association like the present East-India Company. He would would first cite the evidence in his possession, to prove that even in their mercantile capacity—that which it might be fairly presumed they could best understand, and the duties of which it might be thought they could most successfully discharge — they had conducted their affairs in such a manner as to destroy all confidence in their ability or their discretion. In the early periods of their history, they had carried on a trade in commodities which had literally cost them nothing in the purchase, and which they sold at enormous prices in a market of which they had the exclusive command,

and where there were no competitors to obstruct their sale. With such advantages as these—unparalleled in the history of any mercantile association of which he had ever read—it might have been supposed that the wealth of Crœsus would have been their portion; but no one could have dreamt that poverty, embarrassment, and debt, would ever be their lot. He would first however, show the evidence of their easy purchases, if that could be called a purchase where no payments were made. In Mr. Rickards's admirable work on India, were these striking passages:—[The hon. Member accordingly quoted from Mr. Rickards's work between pages 508 and 518, a number of striking passages showing, that the exports of the Company to China and Britain were not purchased but levied as revenue. The conclusion was that, "The Company still receive the greatest part of their investments virtually for nothing—not as the return of commerce, but as a tribute."] Let us see, then, continued the hon. Member what was the result of a commerce conducted with these unexampled advantages. Was it the accumulation of inordinate wealth, which would be the anticipation of all who should hear the conditions of the trade? Or was it, as he asserted—poverty, embarrassment, and debt? He would not go through the intermediate stages of their mercantile history, in order to trace its gradual and continually accelerating decline, for that might prove tedious to the House; but he would pass at once to the actual state of the Company's debts and assets, up to a recent period, compiled from the Company's own documents, and stated with a clearness that no man could misunderstand. It was to be found in Mr. Rickards's work, before referred to, and was as follows:—

In the Company's own Exposition, we have the following particulars, constituting their own view of the state of their affairs on the 1st of May, 1828.	
Total territorial and political debts abroad, 1st May, 1827 - -	£45,515,968
Total territorial and political debts at home, 1st May, 1828 - - - -	9,457,484
Commercial debts abroad, 1st May, 1827 - - - - - - -	114,126
Commercial debts at home, 1st May, 1826 - - - - - - -	1,596,332
Company's home bond debt - -	3,795,892
And it is remarkable, that the Company have in this document entirely omitted to charge their concerns with the amount of their "Capital" - - - - -	7,780,000
Total debts and engagements, 1st May, 1828 - - - - - - -	63,259,802
Total territorial and political credits abroad, 1st May, 1827 - £.26,934,663	
Total commercial credits abroad, 1st May, 1827 2,451,892	
Commercial credits at home and afloat, 1st May 1828 - - 20,990,435	
	50,376,990
Avowed *deficit* (including "Capital") on the Company's general affairs, 1st May, 1828 - - - - -	17,882,812

In order to ensure the greatest degree of accuracy in his deductions, Mr. Rickards, though himself an experienced financier, an excellent accountant, and a merchant of the highest character for intelligence as well as honour—had called in the aid of a professed accountant, Mr. Wilkinson, a gentleman well known in the City of London—who, having carefully examined all the accounts laid before Parliament by the East-India Company, deduced therefrom the same results, to which some other items were subsequently added, and which made the most recent state of their accounts stand thus:—

Mr. Wilkinson winds up his Report by showing the *deficit* of the United Concern to be, on the 30th of April, 1828 - - - - -	£17,882,812
To which he adds, losses in the two following years - - - -	2,831,396
Making the *deficit*, on 30th April, 1830 - - - - - -	20,714,208
But, if the capital stock is to be repaid to proprietors at the rate of 200 per cent; there will be to be added the further sum of - -	4,520,000
Making the total *deficit* - - -	24,934,208
Or, to repeat the words of Mr. Mill, "A balance of legitimate claims which there is nothing whatever in the shape of property to meet."	
And this is the result of the Company's financial affairs, or of their United Concern, after an expenditure of surplus revenue, from 1765 to1792-3 of - - - - - -	£23,501,239
Ditto, ditto, from 1793-4 to 1828-9, of - - - - - - - -	30,565,931
And a sum of interest on Indian debt, amounting, from 1793 to 1830 to -	56,500,125
	110,567,295
Besides a sum of interest on Indian debt, between 1765 and 1793, of which we have no official account whatever	

The whole making probably one hundred and fifty millions sterling of absolute loss to the nation.

He put it to the candour and the justice of the House, then, whether he had not adduced sufficient evidence to prove that even in their mercantile capacity they were wholly unable to manage their affairs advantageously for themselves? Nay, he would ask, whether the history of the world presented another instance of equal mismangement to this? Where a Company, setting out with the means of importing the richest cargoes from the East without cost, and selling them without competition, had yet brought itself to a state of bankruptcy so complete as this? But, in addition to this, which for his own part he should deem sufficient ground for refusing to vest the government of India for another twenty years in the hands of such incapables, he would now advert to the condition to which they had brought the territory of India, by the grinding exactions to which they had subjected it; and show that in fiscal rapacity, they had gone beyond even the Mohammedans, to whose rule they had succeeded. It was a maxim of the Mohammedan law, founded on the dictates of the Koran, that the lives and property of all conquered people were the absolute possession of the conquering power; and that it was perfectly just to exact from every estate the half of its gross produce, as the legitimate share of the Government, leaving to the cultivator the burthen of paying every charge of production, and subsisting as well as he could, out of the other half. But the Christian government of the India Company had refined upon this: and, not content with this extravagant exaction of five-tenths of the gross produce of every estate in the country, as rent, (the Government claiming the right of absolute proprietorship in every acre of the soil) they had carried the superior fiscal knowledge which they possessed beyond the rapacity of their Mohammedan predecessors; and wrung out from the unhappy people subject to their dominion, more than the infidels or tyrants of the Mogul race, as they were called, had ever dreamed of exacting. Let Mr. Rickards speak to this: and considering that this gentleman was himself for twenty years a servant of the East India Company, employed as a collector of the revenue in India, and intimately acquainted with all its details, his testimony as an eye-witness was the most unexceptionable that could be procured. [The hon. Member again quoted the work of Mr. Rickards at considerable length to show that a minute survey was made of the lands, and no property allowed to stand on them which did not yield revenue. Trees were cut down which gave nothing to the Government, and even all the implements and instruments used in business were subject to taxation.] What comment, continued the hon. Member, could be necessary on such a statement as this? Was it not written so plainly, that he who runs may read? And could any one fail to denounce it as the most inquisitorial, harsh, and oppressive system of taxation that had ever been heard of under the sun? And yet it was to a Joint Stock Company, whose system of taxation was such as was here described, that the Parliament of England were about to consign a hundred millions of their fellow-subjects for another twenty years! Lest it might be thought, that even such a system might be occasionally relaxed in favour of its miserable victims, by remissions of some portion of these exactions when they could not be paid, he would cite one passage more, which would prove that the cruelty of this system was as great as its rapacity; and that its unrelenting severity showed, that mercy or compassion never entered as ingredients, to sweeten the bitter cup of affliction which the wretched Indians were thus obliged to drain to the very dregs. Mr. Rickards said:—'Of 'remissions generally, it may be here 'added, that it is laid down in the in-'structions to collectors not to encourage 'the Ryots to expect them; that if claims 'on this head were once admitted, there 'would be no end to investigation; that 'if the crop produced be even less than 'the seed sown, the full rent should still 'be demanded; and if the Ryot be unable 'to pay, the deficiency is required to be 'assessed on the village, or, if the village 'cannot pay, on a neighbouring village, 'limiting always the re-assessment as 'before-mentioned to ten or twelve per 'cent, lest it should injure the next year's 'revenue.'—p. 484. On this branch of the subject, he felt, that he had said enough. If evidence like this was not sufficient, he knew not what would convince. But, he would now pass to another consideration, which was, the effects produced by such a system on the condition

of society in general. It might, of course, be easily imagined,—more easily, perhaps, than it could be described:—yet he would not rest his objections on any thing so vague, but adduce proofs, to show, that those who had the best opportunities of knowing the true state of the case, men who had spent their whole lives in the country, and who had no conceivable motive for misrepresentation of any kind, depicted this state of society as the most deplorable. Mr. Rickards, one of the ablest of the civil servants, and Sir Thomas Munroe, one of the most distinguished of the military servants of the Company, both agreed in this: and from their evidence the following passages might be cited. [The hon. Member again quoted Mr. Rickards's work at some length, to show, that neither property nor persons were protected in India; that helpless poverty was the lot of the people; that the system was the parent of evil so great, particularly the ceded districts, "as to have driven several thousands from their homes and connexions, and forced them to migrate into Mysore."] The full force of such an abandonment of property and honour could scarcely be conceived by an English assembly, without a consideration of some of the peculiar circumstances of Indian feeling and of Indian habits. It was well known, that the attachment to home, and the strength of those local associations and affections which bind men to their native soil, was strong in proportion to the general absence of civilization; and weak as refinement and extended intercourse with the world increased. If we repaired to the mountains of Ireland, the glens of Scotland, or the secluded retreats of Wales, we should find the attachment to home and its associations, in their utmost strength; while the polished resident of London or Paris, weaned from such feelings by diversified travel and varied intercourse with other scenes and other people, felt it but a slender tie. Now, the people of India were in the former condition, and nothing could exceed the romantic attachment which many of them had to the homes and the altars of their fathers; for here religion and superstition mingled their influences with the feelings of nature, and made the bond almost indissoluble. Add to this the fact, that of all the people on the surface of the earth, the Hindoo peasant was perhaps the being who required the least for his subsistence. A hut or cottage, if so it could be called, of the rudest kind, served him for his shelter; his only covering, in the way of clothes, was a scanty girdle round his loins; and his food nothing more than rice, the chief product of the country, seasoned with a little salt—a condiment far more essential to those who fed upon a vegetable than to those who could vary it with an animal diet; and which indispensable necessary of life had, nevertheless, at one time, been a close private monopoly of the East-India Company's servants, and its price enhanced by that means about 1,000 per cent. Yet, with all this frugality of living, at an expense, perhaps, of less than 3*d*. per day, the unfortunate cultivators of Hindoostan had been unable to obtain, for their portion of the produce of the soil, sufficient for the barest subsistence that would keep men alive; and with all their attachment to their altars and their homes, they had been obliged by exaction and oppression, to leave both, and migrate into the territories of a native Indian prince, the Rajah of Mysore—there to find, under the government of a heathen and an infidel, that mercy which had been denied them under the Christian government of the India Company, to which we were nevertheless now called upon to consign over a hundred millions of these helpless people for a period of twenty years more! He would quote one other passage, and leave it to produce its impression on the House. Mr. Rickards said:—'But a still more 'lamentable consequence resulted in these 'collectorships. It is officially certified, 'that owners of estates, the annual tax on 'which amounted to 1,500,000 rupees, '(187,500*l*.) had, in despair, abandoned 'their property, from utter inability to pay 'the over assessment. A more cruel c a e 'of destitution can hardly be imagined. 'Hundreds, nay thousands, of landed pro-'prietors, in different parts, are thus driven, 'by the over-strained zeal of aspiring 'collectors, to relinquish patrimonies which, 'in many instances, are more cherished 'by the possessors than life itself. Con-'sequence, rank (for the meanest societies 'have their distinctions), official power, 'independence, and even the ordinary 'means of support, are sacrificed to an 'all-devouring Moloch, clothed in the garb 'of public revenue. Extraordinary con-'tributions are accordingly forced out of 'the joint owners, whose poverty compels 'them in turn to have recourse to the

'Ryots. But the Ryots have already 'supplied their last farthing to the exi-'gencies of the state. According to a 'common saying of their own, "their 'skins only are left to them." '—p. 146, 147. He would pass from this, to a consideration of the greatest importance, in order to show that, however great their miseries and sufferings might be, there was no hope of redress for those evils, by any appeal to the protection of the law. Many hon. Members now in the House might not, perhaps, be aware of the distinction between the King's and the Company's Courts in India, nor of the peculiarities of either. He would, therefore, endeavour, in a few words, to describe them both. The King's Courts were established at the three Presidencies of Bombay, Madras, and Calcutta, as tribunals of English law, presided over by English Judges, with English barristers and attornies, resembling in every respect, the courts of law in this country. Their jurisdiction extended over all Englishmen living at these Presidencies, and over such natives of India as chose to claim their protection, within the boundaries of the town and immediate suburbs of each. The Company's Courts were those which were established throughout all the interior of the country; and there the law was either Hindoo or Mohammedan, according to the parties to be tried by it; or whatever else the Company's government chose to make it, by regulations which they had the power to enact and enforce, without limit or restriction, for all parts of India beyond the boundaries of the jurisdiction of the King's Courts. The Judges in the Company's Courts were young gentlemen of twenty-five or thirty years of age, and upwards — well educated in European literature, and not altogether destitute of Oriental learning,—but having had no previous legal training—being often unacquainted either with the principles or the forms of the law they were called upon to administer the principle documents, or papers in evidence, being in the Persian tongue (a language often wholly unknown either to the suitors, the witnesses, or the judge), the pleadings conducted in one tongue, and the law quoted and judgment delivered in another. It was not easy to conceive therefore the unintelligibility and confusion of all that passed. The only safeguard attempted was, that of placing on the bench, beside the young English Judge, who presided, a Hindoo Pundit and a Mohammedan Moollah, as interpreters of their respective codes: so that the Judge himself very frequently paid no attention whatever to the proceedings, which, indeed, if he were to do, he would not always understand; but when he had finished the new novel of Sir Walter Scott, or the work of some other popular author, with which he had been beguiling the weary progress of the trial, he would turn to the Pundit, or the Moollah, as the case might be, to ask him what was the law on the subject; and, guided by these oracles, he pronounced judgment accordingly. Now, it must be clear, that, be the integrity of the English Judge ever so unimpeachable, this was no security against wrong; for the Judge, not having sufficient knowledge to detect either an ignorant or a wilfully perverse interpretation of the law, by the native Pundit or Moollah, was entirely at their mercy; and the temptations to which these were subject, and the impunity with which they might direct any judgment they thought fit—was such as to make them accessible to bribes from both parties, and to corrupt the very fountains of justice at every tribunal in the land. Mr. Rickards, therefore, thus forcibly, and, at the same time, most accurately described this state of things, when he said:—'We 'have already seen that, in these tribunals, 'justice was but the mockery of the term; 'and Courts only used as instruments of 'exaction, in the shape of legal fees, or in 'the shameless sale, to the highest bidder, 'of judicial decisions, against which relief 'was altogether hopeless.' But, as he had, on a former occasion, referred to the recent and present testimony of the hon. Secretary to the India Board, (Mr Macaulay) for the fact of the natives of India being, as he had truly described them, the most oppressed and heavily taxed people on the face of the globe, he would now add to the evidence of Mr. Rickards, that of the hon. East-India Director opposite, (Mr. Fergusson) the member for Kircudbright, which he felt it his duty to quote. At the period of his and the hon. Member's joint residence in India, some ten or twelve years ago, that hon. and learned Member took the lead, to which his distinguished talents fairly entitled him, at the Calcutta bar: and, on the occasion of a cause tried before the Supreme Court there, where certain natives were prosecuted, at the suit of an Anglo-Indian, Mr. Reid, for a con-

spiracy to bribe certain native Pundits, in a civil action, involving large property, when the sum of 50,000 rupees were proved to have been paid in bribes—the hon. Member then said, addressing himself to the Chief Justice, Sir Edward East, that if he were called upon to give a true description of the state of law and justice, as administered in the Company's Courts in India, he must admit, that the shortest and truest description he could give, would be to say, that "Justice was put up to auction, and knocked down to the highest bidder." He had heard these words with his own ears—he had taken them down in the Court at the time—he had afterwards printed and commented upon them in the Calcutta Journal, of which the hon. and learned Member confessed himself, the other night, to have been an admirer and constant reader: he repeated them in his presence now, and he challenged contradiction [Mr. Fergusson nodded assent]. He would ask, then, an English House of Commons, whether such a state of things was not a sufficient censure on the management of those to whom it was again intended to confide the destinies of India for another twenty years? Another and a fouler blot still rested on their character: and this, it was important to the interests of religion, humanity, and justice, to wipe away. Among the various pretexts on which the East-India Company grounded their claims to admiration, for the excellence of their rule, none was more frequently or powerfully insisted on than this: that, though they had conquered the country, they had always respected the religious usages of the people—they were tolerant even of their abominations, and would not venture to disturb their most obscene or bloody rites. But what was the real state of the case? It was this:—Wherever no profit was to be made, by interfering with the native superstitions, there they permitted them to flourish, in all their rankness and deformity. But wherever gain was to be acquired, they had no more scruple in violating the sanctity of their religion, than they had in overturning their thrones, in emptying their treasuries, in carrying off their wealth, or in violating their domestic hearths. Let the testimony of others, however, prove this fact, rather than his own. He would cite the evidence of Colonel Phipps, an officer of the Bengal army, who, having been stationed at the great temple of the idol Juggernaut, in command of the guard for preserving the peace, while the taxes were levied there, had the best means of arriving at the truth: and this was his statement, taken from a valuable work, entitled, "India's Cries to British Humanity." [The hon. Member accordingly read a long passage, showing that the Government sanctioned the pilgrimage to Juggernaut, by taxing the pilgrims, and by adopting means in conjunction with the natives to make the tax easy of collection and productive. The conclusion was this: "The Government at first authorized these people to collect at the barriers a fee from the pilgrims for their own benefit; but this privilege having been abused, it was resolved that the British Collector should levy, besides the tax for the State, an additional one, the amount of which he subsequently paid over to the Purharees and Pundas, in such proportions as they were entitled to, from the number of pilgrims, which each had succeeded in enticing to undertake the pilgrimage" p. 219.] Here was an organized system of procuring pilgrims to the bloody shrine of the Indian Moloch. Here was a body of Idol Missionaries, far exceeding in number the whole of the Christian Missionaries in the East, going forth clothed with all the authority of the British name and power, paid by the Company's Government, and their zeal stimulated by a payment of a certain sum per head on every pilgrim brought to bow himself before the wooden god; and this too, when the Society for the Propagation of the Gospel in foreign parts, and the Society for Promoting Christian Knowledge, were each calling loudly for an increase to the number of the Bishops in India. In the way of actual conversion, the Bishops already sent had done nothing, though they were men of talent, learning, and zeal; and even the Christian missionaries had met with obstacles rather than encouragement from the India Company, and those holding authority under them; while the idol worshippers and pilgrim hunters, had made rapid progress, and were still increasing under the auspices of those honourable and Christian rulers, to whom we were again about to consign over India for their benefit. In another part of his evidence, Col. Phipps said:—'The number of pil-'grim hunters must be considerable; the 'same Gentleman stating—One of the 'principal natives related that a Purharee,

'in 1821, despatched 100 agents to entice 'pilgrims; and the ensuing year received 'the premium for 4,000 pilgrims! He was 'at that time busily employed in instruct- 'ing 100 additional agents in all the mys- 'teries of this singular trade, with the 'intention of sending into the Upper Pro- 'vinces of India.'—p. 219. Fertile, however, as was this theme—for there were a hundred quotations, at least, each equally powerful with those he had already read—he would abstain from pursuing the subject; and read only one short extract more, in order to show that gain, and gain alone, was the object of this taxation on idolatry. It had been said, indeed, that the object of the impost was to deter the worshippers from coming; but it was a strange mode of diminishing the number of the worshippers, to send out an army of pilgrim hunters to bring them in from every part of the country, from which they could be collected, and to pay a premium per head for every pilgrim brought. The idea of this being done to discourage idolatry was perfectly absurd. But, in order to leave no doubt on the subject, he would quote another passage from the same work, in which it would be seen, that the Governor General himself expressed his extreme satisfaction at the great increase of the pilgrims at a recent festival; not because of the prosperity of idolatry, as a matter of taste or superstition—for in that respect they cared but little about either its progress or decline—but because it brought money to the public treasury—Mammon being the only god of their idolatry, to whom they paid highest homage; and who was always the first great object of their daily and hourly worship. The passage was this:—[The hon. Member quoted such a passage.] What could it be necessary to add to testimony like this, the sincerity of which was above all suspicion, and the authenticity of which had never been denied? He repeated again, that if, after this, we persisted in handing over India for another twenty years to those who had ruled it so badly, and whose whole policy was stained with so much injustice and crime—on the heads of those who were parties to such a transfer, would fairly rest a portion of the guilt. To show that while this system encouraged idolatry, it at the same time brought Christianity into disrepute, he would cite two short passages, the one on the authority of a Christian Missionary, and the other on the authority of a Christian Bishop, and both of recent date; they were to be found in the work already referred to. [The hon. Member again quoted India's Cries, &c., to show that in the opinion of Mr. Lacey a Missionary, and Bishop Heber, the system encouraged idolatry and injured Christianity. The latter quotation concluded thus:—'Nor 'is this the worst; many peasants have 'been beaten, by authority of the English 'Magistrates—for refusing, on a religious 'account, to assist in drawing the chariots 'of the idols on festival days? It is only 'the present collector of Tanjore who has 'withheld the assistance of the secular 'arm from the Brahmins on this occasion. 'In the last letter which the Bishop wrote 'to his wife, he says, "Will it be believed 'that while the Rajah kept his dominions, '(Tanjore) Christians were eligible to all 'the different offices of state—While now 'there is an order of Government against 'their being admitted to any employment! 'Surely we are in matters of religion the 'most lukewarm and cowardly people on 'the face of the earth."'] He would now proceed to the last division of his subject, which was to show, that while all this treasure was wrung from the people of the country, their lands ravaged, their altars invaded, and their homes destroyed, for filthy lucre and unholy gain; while all this was transacting, nothing in the shape of general or public improvement was promoted by the Company, or any addition made to the resources or accommodation of the country. In proof of this, he would cite the testimony of a very able and a very worthy man, the value of whose testimony might be judged by his history and his character—Mr. Wheatley. This writer, whose publication he was about to quote, was an English gentleman, educated for the bar, and well read in general history, modern literature, and political economy. About the period of Mr. Canning's appointment as Governor General of India, (an appointment which he did not follow up, because of Lord Castlereagh's premature death, which induced Mr. Canning to remain in England to take office) Mr. Wheatley went to Calcutta; and taking his station at the bar of that Presidency, devoted a large share of his attention to the study of the existing state of India. He soon after addressed a printed letter to the Duke of Devonshire, which was originally published in Calcutta,

and stood the ordeal of public examination without contradiction. The object of this letter was, to prove to the Duke, that nothing would tend more powerfully to benefit Ireland indirectly, than the colonization of India by British settlers, and the demand for British manufactures which this would occasion—which would tend, as he conceived, to the establishment of manufactories in Ireland, and the gradual accumulation of capital there, to an extent beyond all former parallel. It was a necessary part of his subject, however, to describe the existing state of India, and the evils under which it laboured for the want of that colonization which had been heretofore so obstinately resisted by the Company, on every occasion on which it had been recommended to their attention. Mr. Wheatley's description of the actual existing state of India then, was this :—

'But India is at the present moment our '"*maxima cura*," and it is of more conse-'quence that she should be advanced to 'the prosperity of which she is capable, 'by this system of wealth and coloniza-'tion, than any other part of the British 'dominions. Though the sarcasm of 'Burke—"that if we quitted India to-'morrow, not a vestige would remain, 'from any works we had raised, or any 'improvements we had introduced, of our 'ever having had possession of the coun-'try"—will apply with the same force now 'that it did forty years ago; yet we may 'trust, if the name of England is to have 'any claim to the esteem of posterity, and 'the good of mankind is to be an object 'worthy of the attention and zeal of a 'British Parliament, that it will not be 'equally applicable forty years hence. 'Under the present system of Govern-'ment, there can be no change for the 'better. The official servants of the 'Company are solely appointed to col-'lect the revenue and administer justice. 'They have no other duty or occupation 'whatever. They are neither permitted 'to hold land, nor to trade, nor to exercise 'any kind of profession. They keep 'themselves entirely distinct from the 'natives, hold no intercourse with them, 'take no interest in their affairs, have no 'influence on their conduct, and suffer 'all things to go on as they have gone on 'from time immemorial, without the 'slightest interference on their part. They 'have no power, therefore, to instruct the 'native population by any example which 'they can give, in the arts and sciences of 'Europe, as they have no power to concern 'themselves with any thing, where the 'arts and sciences are applied. It is for 'this reason that all things remain pre-'cisely as they were before we had footing 'in the country—that the interior naviga-'tion is as nature made it—that all manu-'factures continue to be worked by the 'hand, without any machinery—that no 'cities, bridges, roads, canals, or public 'works of any kind are constructed—'that all travelling is by the litter on 'men's shoulders, and that not an inn has 'been erected throughout the whole coun-'try—that goods are carried from place 'to place, as in the earliest times, on the 'backs of oxen—that not a waggon, not 'a cart, not a plough, not a spade, not a 'wheel-barrow, has been introduced, and 'that even the mail still runs on foot from 'one end of India to the other.'—p. 265.

Could any thing, he would ask, exceed the barbarism of this? Here was a country, the extreme points of which were nearly 2,000 miles apart, and where, consequently, the rapidity of communication by good roads was of the utmost importance, in a public as well as private point of view; yet, though no country afforded better sites or better materials for good road making—though there was an admirable drive from the Governor General's town residence at Calcutta to his country residence at Barrackpore—though there was an excellent fashionable lounge called "The Course," at Calcutta, where there was as gay a display of elegance and fashion in the carriages and barouches of the English, which rolled along its excellent road, as in Hyde Park or St. James's, yet for the conveyance of goods, or passengers, there were no roads whatever—and the letters of private individuals, and the despatches of Government, were carried in leather bags on men's shoulders, who, in gangs or companies, succeeding each other in parties or relays, like post horses, trotted over the immense distances of India at the miserable rate of three and a half, or four miles in the hour. Now, if there was any one criterion more certain than others, as a test of the civilization of a country, it was the presence or the absence of ready means of communication from one part of it to another: and, judged by this test, India had receded instead of advanced; for under the Mogul emperors, there were excellent roads, pub-

lic caravanserais, and relays of post horses for travelling, at stations succeeding each other at every ten or twelve miles. But there was another test—that of the state of cultivation in the country—and he would try India under the management of the Company by this. The work from which he was about to quote, was entitled, "On the Expediency of extending the system of Colonial Policy to India." It was the work of an intelligent officer in the East-India Company's service; and exhibited great accuracy as well as extent of research. In this work, he drew a comparison between the productiveness of England, the West-Indies, and Bengal; and though the latter was by far the most naturally fertile of the three, yet such was the gross mismanagement of the country, and such the wretchedness of its condition, from the absence of all the ordinary stimuli to production—where those who toiled had nothing left of their produce to enjoy—that it was greatly inferior even to the West-Indies, where no one would go to look for standards of comparison or models of imitation, when excellence was desired. The passage was a most remarkable one; and though as dry as statistical details usually are, it was, nevertheless, so full of important facts, that he was sure the House would forgive him while he brought it to their attention by reading it. The writer said—'Bengal is about 'the same size as Great Britain, and each 'contains about 30,000,000 of cultivated 'acres. The revenue collected in Bengal 'is less than three millions and a half; 'in Britain it is more than fifty millions. 'In Bengal, the value of the gross produce 'of the land is little more than 1*l.* an acre, 'and the expense of cultivation, from the 'waste of labour and inefficiency of implements, averages three-fourths of the 'gross produce: in Britain it is 5*l.* an 'acre, and the expense of cultivation is 'less than one-third of the gross produce. 'So that though the gross produce of 'Great Britain exceeds that of Bengal 'only five-fold, its nett produce exceeds 'that of the latter twelve-fold. In Bengal, 'a gross produce of 32,000,000*l.* divided 'by 24,000,000 the number of persons 'employed in agriculture, gives 1*l.* 7*s.* for 'each individual; in Britain, a gross produce of 150,000,000*l.* averages 37*l.* 10*s.* 'for each individual employed in agriculture. In the West-Indies, the yearly 'value of the produce exported, exclusive 'of what is consumed by the inhabitants 'themselves, is 13*l.* 18*s.* 6*d.* per head for 'man, woman, and child, black and 'white.' If this state of things had been the result of any natural differences in the capacities of the several countries thus brought into comparison with each other, it might be a fitting subject of regret, but could not justly be one of blame. But the remarkable part of it was, that the ratio of their respective productiveness, was in the inverse ratio of their natural fertility, England was the least fertile, but her free institutions securing to men the enjoyment of that which they produced, England was most abundant in her health. The West Indies were more fertile than England, but the slave system which blighted its fairy isles, left the curse of comparative barrenness upon the land. But in India, by far the most luxuriantly fertile of all, the produce of the earth was by far the smallest; for there the garden had become a desert, and sterility and unfruitfulness reigned in desolation over its naturally teeming plains. That it was from no incapacity to produce wealth that India was thus miserably poor could be sufficiently proved by the fact, that in the reigns of Aurungzebe and of Baber, a much larger revenue had been raised from a much smaller extent of country than that now subject to the East-India Company's rule. But, as his assertions with respect to the capacity of India for future revenue and for future wealth had been much doubted, as being rather the creations of a sanguine imagination than the deductions of a sober judgment from established data within the reach of all, he would turn to the last passage he should think it necessary to quote, which would be found in Mr. Wheatley's excellent work on the Colonization of India, which stood thus:—'It is 'true that the Company do collect, from 'the whole of their dominions, consisting 'of 800,000,000 of acres, an extent of 'territory equal to all Europe, which pays 'to its different governments about '300,000,000*l.* a-year, the comparatively 'insignificant revenue of 20,000,000*l.*; but 'no stronger proof need be given of the 'total want of all surplus wealth, than 'that this sum, small as it is, compared to 'the vastness and productive power of the 'empire, is not collected without great 'difficulty, and innumerable sales, all over 'the country, of the small properties of

'the defaulters, to make good their arrears. 'Even, therefore, if it could be said that 'this sum constituted a surplus, which I 'know not how to consider it, wrung as it 'is from the necessities and miseries of the 'people, yet is it all that exists: and no 'residue is left for the supply of the towns, 'to be exchanged for manufactures, or for 'any improvement, public or private. 'But as India consists of 800,000,000 'of acres, if it be granted that British sub-'jects would eventually possess a half, 'and that a fourth of the proprietors would 'reside in England, estimating the nett 'produce of an acre at a pound, the remit-'tances for the income of absentees would 'amount to 100,000,000*l.*; and if it be 'granted, that those who remained in India 'would lay out one third of their nett in-'come in British manufactures, the united 'remittances to be exchanged for Bri-'tish manufactures would amount to '200,000,000*l.*; or England would be 'enriched by an increase to the produce 'of her towns of 200,000,000*l.*, an addi-'tion equal to three times the extent of 'her present export trade. This calcula-'tion is certainly enormous; but should 'the policy here recommended be strictly 'followed up, I know not on what prin-'ciple it can be materially lessened.' These were indeed facts worthy of the deepest and gravest consideration. Here were the elements of unbounded wealth, of unrivalled power, of illimitable happiness, if carefully wrought up, by courage, wisdom, and benevolence, into their best and purest form. The position of the existing administration was indeed an enviable one, if judged of from the good which they had the power to do; but it would also be a wretched one, if they did not exercise that power for the great end of making those millions happy, whom Providence had confided to their care. The very act of approaching such a subject was enough to gladden the heart of the philanthropist, though its immense importance was sufficient to inspire him with awe. It demanded careful, deliberate, and profound investigation; and it demanded also the absence of all irritating or exciting causes, to secure that calm and unbiassed decision which could alone give permanency to its result. The Legislature had a host of other subjects equally pressing upon its attention—the Bank Charter, the Slavery Abolition Bill, the Irish Church, the Commutation of English Tithes, Law Reform, and many others of such close domestic interest as to absorb all its thoughts; and yet it was now called away from these, each claiming and demanding as quick decision, to legislate for that immense and interesting, but distant and unrepresented country, India. At this period of the Session, and with all this pressure of other subjects diverting attention on every side, it was impossible to do justice to India. All he asked, therefore, was for time. If the plan for the future government of India could be satisfactorily deliberated upon and settled now, he should have no objection to enter on its consideration at once: but being persuaded, that the public mind was engrossed by other and more pressing considerations, being certain that justice would not be done to the deliberations on India now, either by the House or by the public Press; being satisfied, that to legislate wisely, and justly, was of more importance than to settle the plan in haste, he implored the Government and the House to pause before they rashly undertook, what, at this period of the Session, must be hurried through, if begun at all, and could not be brought to a safe and satisfactory conclusion; and in the hope of prevailing on them so to do, he would conclude his appeal to their calm and deliberate judgment, by moving the following Resolution, as an Amendment on the original Motion:—'That the con-'fiding the political Administration of our 'East-India possessions, with the interests 'of 100,000,000 of people, to the direc-'tion of a Joint Stock Company, and 'taxing the natives of those countries for 'the payment of the dividends of a mer-'cantile concern, to the constantly 'varying holders of East-India Stock, 'is a question involving too many import-'ant considerations to be hastily decided 'on, more especially for so long a term as 'twenty years; and that, as the other bu-'siness of the Session is already more 'than sufficient to occupy the whole time 'and attention of the Legislature, to bring 'it to a satisfactory completion, it is expe-'dient that a short Bill be passed for the 'opening of the Trade with China in April, '1834, and that all the arrangements 'which may be thought desirable for the 'administration of India should be deferred 'till next Session.'

Mr. *Hume* said, he rose to offer a few observations upon the original question.

Believing it to be of great importance, both to India and England, he exceedingly regretted the course which had been pursued by his hon. friend. Admitting most of his hon. friend's statements, it was wrong to throw the whole blame on the East-India Company, for since the establishment of the Board of Control, that body had taken a large share of the management. Whatever blame, therefore, belonged to the system, should be shared by that Board and by the Parliament, as well as the Company. He heartily approved of the principle of the present Bill, —namely, the separating the offices of merchant and Sovereign, and throwing open the trade of the East to British enterprise. The government of India had long been an anomaly: it could not therefore be fairly expected, that the present measure should be entirely free from anomalous provisions; but, on the whole, he was free to admit, that Ministers had hit upon a favourable compromise. In particular, he approved of that part of the measure which took away the trade of the Company, but left the government of India vested in its hands. It was impossible that the Company's agents should not interfere with individuals, and therefore he was glad that its trade was put an end to. He admitted the great merit of many of the Company's servants, and wished that the Directors had shown equal talent. Admitting too, the propriety of continuing the government of India in the hands of the Company, he hoped that the Board of Directors would be reduced in number; and that care would be taken that no man should be made a Director who was not prepared to devote the whole of his time to the duties of his situation. If that were the case, then he thought that the Board of Directors might very beneficially be the organs of the Company. He thought the proposition which he understood his hon. friend to make to pass a Bill to allow the China trade to go on for a year, very unwise and short-sighted; and that it would be much better to come to some immediate arrangement with respect to the whole subject. As to the laws of India, it was well known that there were different laws, and what was of more importance, different practices, in different parts of India; and that nothing satisfactory could be done regarding them without local examination. With all his love of reform, he was quite aware, that a great and sudden change, even from evil to good, was frequently productive of mischief; and that in many cases, the progress of change should be deliberate. He would mention, for the consolation of his hon. friend, that he believed the complaints of the Indians would be more speedily redressed by allowing this Bill to pass than to postpone it for another Session. His hon. friend had not mentioned one chief cause of complaint—namely, that the commodities of India were not allowed to be brought into this country, except on paying very heavy duties, while the commodities of England were imported into India on the payment of two-and-a-half per cent. This now called loudly for a remedy because it tended to impoverish the inhabitants of India. The natives had suffered much of late years in their manufactures, and had in consequence become greatly impoverished, owing to the state of the law combined with the extraordinary improvement which had taken place in machinery in this country, by which we were enabled to import the raw material from India, to manufacture it, to re-export it in the shape of muslin, and to sell that muslin at a price lower than that at which it could be produced by the natives, trifling as their wages were. The manufactures of that country had in fact been ruined, and the population in many districts reduced to great distress. It was because the people of India were so impoverished, that not an hour ought to be lost in endeavouring to better their condition. As to what his hon. friend had said respecting the roads, it must be remembered that the long continuance of the periodical rains rendered the permanent improvement of the roads in many parts of India almost hopeless. He was persuaded that the whole of the revenue of India would be scarcely sufficient to keep the roads in the state which his hon. friend considered so desirable. There had been some neglect on that subject; and the regulations respecting it ought to be put upon a better footing. His hon. friend seemed to think that the natives of India would be better pleased if the sovereign authority were transferred from the Company to the King. He must say, that much of mismanagement and abuse of patronage as he had seen under the Company's Government, it was trifling to that which existed in any colony under the Crown. He trusted, indeed, that the Court of Directors would be chosen in a

different manner. On this point he had not had time to consider how the permission which it was proposed to give the proprietors to vote by delegation would operate. The question came to this—could a better form of government be found for India than that which existed? Anxious as they were to generalize, they ought to recollect that there were always cases of exception. The present case was one which ran counter to all his principles. It was an anomaly; but looking at the alternative, he felt bound to prefer that anomaly. With respect to terms, he thought they ought not to drive a Jewish bargain with those who had risked their capital in so extensive an undertaking. But, the terms being agreed upon, then came the question of time. He trusted an arrangement would be made, by which a change should be allowable, if, within the ten years specified, it should appear to all parties to be desirable. The annuity of 630,000*l.* to the proprietors was not giving them any boon; it was merely continuing them in the same situation in which they were. It was erroneously supposed that this would be a tax on the natives of India. Those who thought so forgot the separation of the revenue from the commercial capital made by the last Charter. He was persuaded, that the surplus of the commercial capital would be sufficient to pay the 630,000*l.* in question. If a greater impulse were given to trade in India, and if a smaller rate of taxation were imposed, he should consider the security of the revenue of India as good as the security of any other revenue. If the government of India were good, and freedom of observation and complaint were allowed, he was satisfied, that it would be attended with no difficulty to continue the payments to the proprietors. The abolition of the East-India military colleges in England might be a subject of consideration. He had formerly expressed his opinion, that such an exclusive system of education was injurious; although he allowed that these colleges had sent out many fine young men to India. He also doubted the propriety of increasing the Church patronage in India; and thought it would be much better to increase the number of Archdeacons with small incomes, than of Bishops with large incomes. There was one clause in the Bill, providing that all acts respecting India, not repealed by the Bill, should be enforced. He thought, that it would be much better carefully to examine those acts, and to put all that it was desirable to retain into one act, instead of allowing them to form a volume as large as the old family Bible. In that case every individual going out to India would be able to render himself, as he ought to render himself, acquainted with the law. It was quite clear that the Company could not, as a trading Company, carry on the trade to China advantageously; and, therefore, he was glad that the trade was to be thrown open. English capital and English industry had not hitherto had a fair trial in China, on account of the monopoly of the China trade; but now that the monopoly was about to be destroyed, and the advantages of British industry and skill fully developed, he had no doubt that the trade to China would flourish and extend. He hoped that no more would be taken from the people of India than was absolutely required for the support of the government. On the whole, he thought the arrangement now proposed was anomalous; he objected to many of the details of the measure; but still, as he was not able at this moment to propose anything better, he thought it ought not to be postponed for a year, but should be settled at as early a period as possible, and that that House should go on till the whole matter was concluded.

Mr. *Wolryche Whitmore* said, he entirely approved of the opening of the China trade, as well as the separation which was about to take place with respect to the East-India Company, of the characters of sovereigns and merchants. He was also of opinion, that the Law Commission would be productive of much good. He anticipated, that the result of the labours of the Commission would be the removal of all those anomalies which at present existed in the law of India. This improvement in the state of the law would have the effect of encouraging the settlement of Europeans, which circumstance would prove the greatest blessing to that country. The House would not be surprised that, entertaining this opinion, he should regret that part of the Bill which had for its object to place a limitation to the holding of land by Europeans. The European settlers ought to be encouraged by all possible means, and the agriculture of the country would be best provided for by the labour of Europeans. The culture of

indigo was an instance of the successful application of the capital and labour of Europeans to the production of an East-Indian commodity, and as the capital so employed yielded the greatest profits, it was a proof of the excellent consequence of the introduction of European labour into India. A similar remark might be in part extended to the cultivation of coffee and sugar. In his opinion, the continuance of the Government of India in the hands of the Company was a matter attended with the most serious evils. The effect of a Government of the Directors, and of a Board of Control, was most injurious; it was subject to all the disadvantages of a divided responsibility. He should like, therefore, to see the Government removed from the hands of the Directors, but he admitted that that House and the country were not at present prepared for so extensive a change. He did not object, therefore, to allow the Government still to remain in the hands of the East-India Company, but he thought it should be for a shorter period than twenty years. He thought that ten years would be sufficient. His hon. friend had stated, that the Company had not received in the shape of annuity more than they were entitled to; for he contended, that their commercial assets would purchase as large an annuity as that which was offered them. The correctness of this statement he was very much inclined to doubt. Indeed, he believed, that if the commercial assets were converted into money, there would be found to exist a considerable deficiency; and from the great rise which had taken place in India stock, the public at large seemed to be of opinion that the Company had made a good bargain. The great object of the Legislature, however, was the happiness of the people of India: and he trusted, that they were about to commence an era which would be marked by increased prosperity to the natives of that vast empire, and a great addition to the commerce and trade of Europe.

Mr. *Macaulay*: Having, while this measure was in preparation, enjoyed the fullest and kindest confidence of my right hon. friend, agreeing with him completely in all those views which on a former occasion he so luminously and eloquently developed, having shared his anxieties, and feeling that, in some degree, I share his responsibility, I am naturally desirous to obtain the attention of the House while I attempt to defend the principles of this Bill. I wish that I could promise to be very brief; but the subject is so extensive that I will only promise to condense what I have to say as much as I can.

I rejoice, Sir, that I am completely dispensed, by the turn which our debates have taken, from the necessity of saying anything in favour of one part of our measure—the opening of the China trade. No voice, I believe, has yet been raised in Parliament to support the monopoly. On that subject all public men of all parties seem to be agreed. The Resolution proposed by the Ministers has received the unanimous assent of both Houses, and the approbation of the whole kingdom. I will not, therefore, Sir, detain the House by vindicating a measure which no Gentleman has yet ventured to attack, but will proceed to call your attention to those effects which this great commercial revolution necessarily produced on the system of Indian government and finance.

The China Trade is to be opened: reason requires this—public opinion requires it. The Government of the Duke of Wellington felt the necessity as strongly as the Government of Lord Grey. No Minister, Whig or Tory, could have been found to propose a renewal of the monopoly; no parliament, reformed or unreformed, would have listened to such a proposal.—But though the opening of the trade was a matter concerning which the public had long made up its mind, the political consequences which necessarily follow from the opening of the trade, seem to me to be even now little understood. The language which I have heard in almost every circle where the subject was discussed was this: "Take away the monopoly, and leave the government of India to the Company:" a very short and convenient way of settling one of the most complicated questions that ever a Legislature had to consider. The hon. member for Sheffield, though not disposed to retain the Company as an organ of government, has repeatedly used language which proves that he shares in the general misconception. The fact is, that the abolition of the monopoly rendered it absolutely necessary to make a fundamental change in the constitution of that great Corporation.

The Company had united in itself two characters; the character of trader, and the character of sovereign. Between the

trader and the sovereign there was a long and complicated account, almost every item of which furnished matter for litigation. While the monopoly continued, indeed, litigation was averted. The effect of the monopoly was, to satisfy the claims both of commerce and of territory, at the expense of a third party—the English people; to secure on the one hand funds for the dividend of the stock-holder, and on the other hand, funds for the government of the Indian Empire, by means of a heavy tax on the tea consumed in this country. But when the third party would no longer bear this charge, all the great financial questions which had, at the cost of that third party, been kept in abeyance, were opened in an instant. The connexion between the Company in its mercantile capacity, and the same Company in its political capacity, was dissolved. The sovereign and the trader, from partners, became litigants. Even if the Company were permitted, as has been suggested, to govern India, and at the same time to trade with China, it would make no advances from the profits of its Chinese trade for the support of its Indian government. It was in consideration of its exclusive privilege, that it had hitherto been required to make those advances;—it was by the exclusive privilege that it had been enabled to make them. When that privilege was taken away, it would be unreasonable in the Legislature to impose such an obligation, and impossible for the Company to fulfil it. The whole system of loans from commerce to territory, and repayments from territory to commerce must cease. Each party must rest altogether on its own resources. It was, therefore, absolutely necessary to ascertain what resources each party possessed, to bring the long and intricate account between them to a close, and to assign to each a fair portion of assets and liabilities. There was vast property. How much of that property was applicable to purposes of state? How much was applicable to a dividend? There were debts to the amount of many millions. Which of these were the debts of the government that ruled at Calcutta? Which of the great mercantile house that bought tea at Canton? Were the creditors to look to the land revenues of India for their money; or were they entitled to put executions into the warehouses behind Bishopsgate-street?

There were two ways of settling these questions—adjudication, and compromise. The difficulties of adjudication were great—I think insuperable. Whatever acuteness and diligence could do, has been done. One person in particular whose talents and industry peculiarly fitted him for such investigations, and of whom I can never think without regret, Mr. Villiers, devoted himself to the examination with an ardour and a perseverance which, I believe, shortened a life most valuable to his country and to his friends. The assistance of the most skilful accountants has been called in. But the difficulties are such as no accountant, however skilful, could possibly remove. The difficulties are not arithmetical, but political. They arise from the constitution of the Company, from the long and intimate union of the commercial and imperial characters in one body. Suppose that a gentleman who is the treasurer of a charity, were to mix up the money which he receives on account of the charity with his own private rents and dividends, to pay the whole into his bank to his own private account, to draw it out again by checks in exactly the same form when he wants it for his private expenses, and when he wants it for the purposes of his public trust. Suppose that he were to continue to act thus till he was himself ignorant whether he were in advance or in arrear; and suppose that many years after his death a question were to arise whether his estate were in debt to the charity or the charity in debt to his estate. Such is the question which is now before us—with this important difference: that the accounts of an individual could not be in such a state unless he had been guilty of fraud, or of that *crassa negligentia* which is scarcely less culpable than fraud, and that the accounts of the Company were brought into this state by circumstances of a very peculiar kind—by circumstances unparalleled in the history of the world.

It is a mistake to suppose that the Company was a merely commercial body till the middle of the last century. Commerce was its object; but in order to enable it to pursue that object, it had been, like the other Indian Companies which were its rivals, like the Dutch India Company, like the French India Company, invested from a very early period with political functions. More than 120 years ago, it was in miniature precisely what it now is. It was intrusted with the very highest prerogatives of sovereignty. It had its forts and its white captains, and its black sepoys—it had its civil and criminal tribunals—it was authorised to proclaim Martial-law—it sent ambassadors to the native governments, and

concluded treaties with them—it was Zemindar of several districts, and within those districts, like other Zemindars of the first class, it exercised the powers of a sovereign, even to the infliction of capital punishment on the Hindoos within its jurisdiction. It is incorrect, therefore, to say, that the Company was at first a mere trader, and has since become a sovereign. It was at first a great trader and a petty prince. Its political functions at first attracted little notice, because they were merely auxiliary to its commercial functions. Soon, however, they became more and more important. The Zemindar became a great nabob, became sovereign of all India—the 200 sepoys became 200,000. This change was gradually wrought, and was not immediately comprehended. It was natural, that while the political functions of the Company were merely auxiliary to its commerce, its political accounts should be mixed up with its commercial accounts. It was equally natural, that when once this mode of keeping accounts had been commenced, it should go on; and the more so, as the change in the situation of the Company, though rapid, was not sudden. It is impossible to fix on any one day, or any one year, as the day or the year when the Company became a great potentate. It has been the fashion to fix on the year 1765, the year in which the Company received from the Mogul a Commission authorising them to administer the revenues of Bengal, Bahar, and Orissa, as the precise date of their sovereignty. I am utterly at a loss to understand why this period should be selected. Long before 1765 the Company had the reality of political power. Long before that year, they made a nabob of Arcot; they made and unmade nabobs of Bengal; they humbled the vizier of Oude; they braved the emperor of Hindoostan himself. More than half the revenues of Bengal, as Lord Clive stated, were under one pretence or another administered by them. And after the grant, the Company was not, in form and name, an independent power. It was merely a minister of the Court of Delhi. Its coinage bore the name of Shah Alum. The inscription which, till the time of Lord Hastings, appeared on the seal of the Governor General declared that great functionary to be the slave of the Mogul. Even to this day, we have never formally deposed the king of Delhi. The Company contents itself with being Mayor of the palace, while the *roi faineant* is suffered to play at being a sovereign. In fact, it was considered, both by Lord Clive, and by Warren Hastings, as a point of policy to leave the character of the Company thus undefined, in order that the English might treat the princes in whose names they governed as realities or non-entities, just as might be most convenient.

Thus the transformation of the Company from a trading body, which possessed some sovereign prerogatives for the purposes of trade, into a sovereign body, the trade of which was auxiliary to its sovereignty, was effected by degrees, and under disguise. It is not strange, therefore, that its mercantile and political transactions should be entangled together in inextricable complication. The commercial investments had been purchased out of the revenues of the empire. The expenses of war and government had been defrayed out of the profits of the trade. Commerce and territory had contributed to the improvement of the same spot of land, to the repairs of the same building. Securities had been given in precisely the same form, for money which had been borrowed for purposes of State, and for money which had been borrowed for purposes of traffic. It is easy, indeed,—and this is a circumstance which has, I think, misled some Gentlemen,—it is easy to see what part of the assets of the Company appears in a commercial form, and what part appears in a political or territorial form. But this is not the question. Assets which are commercial in form, may be territorial as respects the right of property; assets which are territorial in form, may be commercial as respects the right of property. A chest of tea is not necessarily commercial property; it may have been bought out of the territorial revenue. A fort is not necessarily territorial property; it may stand on ground which the Company bought 100 years ago out of their commercial profits. Adjudication, if by adjudication be meant decision according to some known rule of law, was out of the question. To leave matters like these to be determined by the ordinary maxims of our civil jurisprudence would have been the height of absurdity and injustice. For example, the home-bond debt of the Company, it is believed, was incurred partly for political, and partly for commercial purposes. But there is no evidence which would enable us to assign to each branch its proper share. The bonds all run in the same form; and a Court of Justice would, therefore, of course, either lay the whole burthen on the proprietors, or lay the

whole on the territory. We have legal opinions, very respectable legal opinions, to the effect, that in strictness of law, the territory is not responsible, and that the commercial assets are responsible for every farthing of the debts which were incurred for the government and defence of India. But, though this may be, and I believe, is law, it is, I am sure, neither reason nor justice. On the other hand, it is urged by the advocates of the Company, that some valuable portions of the territory are the property of that body in its commercial capacity; that Calcutta, for example, is their private estate, though they have, during many years, suffered its revenues to merge in the general revenues of their empire, that they hold the island of Bombay, in free and common socage, as of the Manor of East Greenwich. I will not pronounce any opinion on these points. I have considered them enough to see, that there is quite difficulty enough in them to exercise all the ingenuity of all the lawyers in the kingdom for twenty years. But the fact is, Sir, that the municipal law was not made for controversies of this description. The existence of such a body as this gigantic corporation—this political monster of two natures—subject in one hemisphere, sovereign in another—had never been contemplated by the Legislators or Judges of former ages. Nothing but grotesque absurdity and atrocious injustice could have been the effect, if the claims and liabilities of such a body had been settled according to the rules of Westminster Hall—if the maxims of conveyancers had been applied to the titles by which flourishing cities and provinces are held, or the maxims of the law-merchant to those promissory notes which are the securities for a great National Debt, raised for the purpose of exterminating the Pindarrees, and humbling the Burmese.

It was, as I have said, absolutely impossible to bring the question between commerce and territory to a satisfactory adjudication; and, I must add, that, even if the difficulties which I have mentioned could have been surmounted—even if there had been reason to hope that a satisfactory adjudication could have been obtained—I should still have wished to avoid that course. I think it desirable that the Company should continue to have a share in the government of India; and it would evidently have been impossible, pending a litigation between commerce and territory, to leave any political power to the Company. It would clearly have been the duty of those who were charged with the superintendence of India, to be the patrons of India throughout that momentous litigation, to scrutinize with the utmost severity, every claim which might be made on the Indian revenues, and to oppose, with energy and perseverance, every such claim, unless its justice were manifest. If the Company was to be engaged in a suit for many millions, in a suit which might last for many years, against the Indian territory, could we intrust the Company with the government of that territory? Could we put the plaintiff in the situation of *prochain ami* of the defendant? Could we appoint governors who would have had an interest opposed in the most direct manner to the interest of the governed, whose stock would have been raised in value by every decision which added to the burthens of their subjects, and depressed by every decision which diminished those burthens? It would be absurd to suppose that they would efficiently defend our Indian empire against the claims which they were themselves bringing against it; and it would be equally absurd to give the government of the Indian empire at such a conjuncture to those who could not be trusted to defend it.

Seeing, then, that it was most difficult, if not wholly impossible, to resort to adjudication between commerce and territory—seeing, that if recourse were had to adjudication, it would be necessary to make a complete revolution in the whole constitution of India—the Government proposed a compromise. That compromise, with some modifications which did not, in the slightest degree, affect its principle, and which, while they gave satisfaction to the Company, will eventually lay no additional burthen on the territory, has been accepted. It has, like all other compromises, been loudly censured by violent partisans on both sides. It has been represented by some as far too favourable to the Company, and by others as most unjust to the Company. Sir, I own that we cannot prove that either of these accusations is unfounded. It is of the very essence of our case that we should not be able to show, that we have assigned, either to commerce or to territory, its precise due. For our principal reason for recommending a compromise was our full conviction that it was absolutely impossible to ascertain with precision what was due to commerce, and what was due to territory. It is not strange that some people should accuse us of robbing the

Company, and others of conferring a vast boon on the Company, at the expense of India: for we have proposed a middle course, on the very ground that there was a chance of a result much more favourable to the Company than our arrangement, and a chance also of a result much less favourable. If the questions pending between the Company and India had been decided as the ardent supporters of the Company predicted, India would, if I calculate rightly, have paid eleven millions more than she will now have to pay. If those questions had been decided, as some violent enemies of the Company predicted, that great body would have been utterly ruined. The very meaning of compromise is, that each party gives up his chance of complete success, in order to be secured against the chance of utter failure. And as men of sanguine minds always overrate the chances in their own favour, every fair compromise is sure to be severely censured on both sides. I contend, that in a case so dark and complicated as this, the compromise which we recommend is sufficiently vindicated, if it cannot be proved to be unfair. We are not bound to prove it to be fair. For it would have been unnecessary for us to resort to compromise at all, if we had been in possession of evidence which would have enabled us to pronounce, with certainty, what claims were fair, and what were unfair. It seems to me that we have acted with due consideration for every party. The dividend which we give to the proprietors is precisely the same dividend which they have been receiving for forty years, and which they have expected to receive permanently. The price of their stock bears at present the same proportion to the price of other stock which it bore four or five years ago, before the anxiety and excitement which a negotiation for a renewal of their Charter naturally produces, had begun to operate. As to the territory on the other hand, it is true, that if the assets which are now in a commercial form, should not produce a fund sufficient to pay the debts and dividend of the Company, the territory must stand to the loss, and pay the difference. But in return for taking this risk, the territory obtains an immediate release from claims to the amount of many millions. I certainly do not believe that all those claims could have been substantiated; but I know that very able men think differently. And suppose that only one-fourth of the sum demanded had been awarded to the Company, India would have lost more than the largest sum which, as it seems to me, she can possibly lose under the arrangement.

In a pecuniary point of view, therefore, I conceive that we can defend the measure as it affects the territory. But to the territory, the pecuniary question is of secondary importance. If we have made a good pecuniary bargain for India, but a bad political bargain—if we have saved three or four millions to the finances of that country, and given to it, at the same time, pernicious institutions, we shall, indeed, have been practising a most ruinous parsimony. If, on the other hand, it shall be found that we have added fifty or a hundred thousand pounds a-year to the expenditure of an empire which yields a revenue of twenty millions, but that we have at the same time secured to that empire, as far as in us lies, the blessings of good government, we shall have no reason to be ashamed of our profusion. I hope and believe that India will have to pay nothing. But on the most unfavourable supposition that can be made, she will not have to pay so much to the Company, as she now pays annually to a single state pageant—to the titular Nabob of Bengal, for example, or the titular King of Delhi. What she pays to these nominal princes, who, while they did anything, did mischief, and who now do nothing, she may well submit to pay to her real rulers, if she receives from them, in return, efficient protection, and good legislation.

We come then to the great question. Is it desirable to retain the Company as an organ of government for India? I think that it is desirable. The question is, I acknowledge, beset with difficulties. We have to solve one of the hardest problems in politics. We are trying to make brick without straw—to bring a clean thing out of an unclean—to give a good government to a people to whom we cannot give a free government. In this country—in any neighbouring country—it is easy to frame securities against oppression. In Europe, you have the materials of good government every where ready to your hands. The people are every where perfectly competent to hold some share,—not in every country an equal share—but some share of political power. If the question were, what is the best mode of securing good government in Europe, the merest smatterer in politics would answer—representative institutions. In India, you

cannot have representative institutions. Of all the innumerable speculators who have offered their suggestions on Indian politics, not a single one, as far as I know, however democratical his opinions may be, has ever maintained the possibility of giving, at the present time, such institutions to India. One gentleman, extremely well acquainted with the affairs of our Eastern Empire, a most valuable servant of the Company, and the author of a History of India, which, though certainly not free from faults, is, I think, on the whole, the greatest historical work which has appeared in our language since that of Gibbon—I mean Mr. Mill—was examined on this point. That gentleman is well known to be a very bold and uncompromising politician. He has written strongly—far too strongly, I think, in favour of pure democracy. He has gone so far as to maintain, that no nation which has not a representative legislature, chosen by universal suffrage, enjoys security against oppression. But when he was asked before the Committee of last year, whether he thought representative government practicable in India, his answer was—"utterly out of the question." This, then, is the state in which we are. We have to frame a good government for a country into which, by universal acknowledgment, we cannot introduce those institutions which all our habits—which all the reasonings of European philosophers—which all the history of our own part of the world would lead us to consider as the one great security for good government. We have to engraft on despotism those blessings which are the natural fruits of liberty. In these circumstances, Sir, it behoves us to be cautious, even to the verge of timidity. The light of political science and of history are withdrawn—we are walking in darkness—we do not distinctly see whither we are going. It is the wisdom of a man, so situated, to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.

Some things, however, in the midst of this obscurity, I can see with clearness. I can see, for example, that it is desirable that the authority exercised in this country over the Indian government should be divided between two bodies—between a minister or a board appointed by the Crown, and some other body independent of the Crown. If India is to be a dependency of England—to be at war with our enemies—to be at peace with our allies—to be protected by the English navy from maritime aggression—to have a portion of the English army mixed with its sepoys—it plainly follows, that the King, to whom the Constitution gives the direction of foreign affairs, and the command of the military and naval forces, ought to have a share in the direction of the Indian government. Yet, on the other hand, that a revenue of twenty millions a year—an army of two hundred thousand men—a civil service abounding with lucrative situations—should be left to the disposal of the Crown without any check whatever, is what no minister, I conceive, would venture to propose. This House is indeed the check provided by the Constitution on the abuse of the Royal prerogative. But that this House is, or is likely ever to be, an efficient check on abuses practised in India, I altogether deny. We have, as I believe we all feel, quite business enough. If we were to undertake the task of looking into Indian affairs as we look into British affairs—if we were to have Indian budgets and Indian estimates—if we were to go into the Indian currency question and the Indian Bank Charter—if to our disputes about Belgium and Holland, Don Pedro and Don Miguel, were to be added disputes about the debts of the Guicowar and the disorders of Mysore, the ex-king of the Afghans and the Maha-rajah Runjeet Sing—if we were to have one night occupied by the embezzlements of the Benares mint, and another by the panic in the Calcutta money-market—if the questions of Suttee or no Suttee, Pilgrim tax or no Pilgrim tax, Ryotwary or Zemindary, half Batta or whole Batta, were to be debated at the same length at which we have debated Church reform and the assessed taxes, twenty-four hours a day and three hundred and sixty-five days a-year would be too short a time for the discharge of our duties. The House, it is plain, has not the necessary time to settle these matters; nor has it the necessary knowledge, nor has it motives to acquire that knowledge. The late change in its constitution has made it I believe, a much more faithful representation of the English people. But it is far as ever from being a representation of the Indian people. A broken head in Cold Bath Fields produces a greater sensation among us than three pitched battles in India. A few weeks ago we had to decide on a claim brought by an individual against the revenues of India. If it had been an English question the walls would scarcely have held the Members who would have flocked

to the division. It was an Indian question; and we could scarcely by dint of supplication make a House. Even when my right hon. friend, the President of the Board of Control, made his most able and interesting statement of the measures which he intended to propose for the government of a hundred millions of human beings, the attendance was not so large as I have seen it on a turnpike-bill or a rail-road bill.

I then take these things as proved, that the Crown must have a certain authority over India, that there must be an efficient check on the authority of the Crown, and that the House of Commons is not an efficient check. We must then find some other body to perform that important office. We have such a body—the Company. Shall we discard it?

It is true, that the power of the Company is an anomaly in politics. It is strange—very strange—that a Joint-stock society of traders—a society the shares of which are daily passed from hand to hand—a society, the component parts of which are perpetually changing—a society, which, judging *a priori* from its constitution, we should have said was as little fitted for imperial functions as the Merchant Tailors' Company or the New River Company—should be intrusted with the sovereignty of a larger population, the disposal of a larger clear revenue, the command of a larger army, than are under the direct management of the Executive Government of the United Kingdom. But what constitution can we give to our Indian Empire which shall not be strange—which shall not be anomalous? That Empire is itself the strangest of all political anomalies. That a handful of adventurers from an island in the Atlantic should have subjugated a vast country divided from the place of their birth by half the globe—a country which at no very distant period was merely the subject of fable to the nations of Europe—a country never before violated by the most renowned of Western Conquerors—a country which Trajan never entered—a country lying beyond the point where the phalanx of Alexander refused to proceed;—that we should govern a territory 10,000 miles from us—a territory larger and more populous than France, Spain, Italy, and Germany put together—a territory the present clear revenue of which exceeds the present clear revenue of any state in the world, France excepted—a territory, inhabited by men, differing from us in race, colour, language, manners, morals, religion;—these are prodigies to which the world has seen nothing similar. Reason is confounded. We interrogate the past in vain. General rules are almost useless where the whole is one vast exception. The Company is an anomaly; but it is part of a system where every thing is anomaly. It is the strangest of all Governments: but it is designed for the strangest of all Empires.

If we discard the Company, we must find a substitute: and, take what substitute we may, we shall find ourselves unable to give any reason for believing that the body which we have put in the room of the Company is likely to acquit itself of its duties better than the Company. Commissioners appointed by the King during pleasure would be no check on the Crown; Commissioners appointed by the King or by Parliament for life, would always be appointed by the political party which might be uppermost, and if a change of Administration took place, would harass the new Government with the most vexatious opposition. The plan suggested by the right honourable Gentleman the member for Montgomeryshire, is I think the very worst that I have ever heard. He would have Directors nominated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being—that their situations would depend on the permanence of that Ministry—that therefore all their power and patronage would be employed for the purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power—that they would be subservient while their friends were in, and factious when their friends were out? How would Lord Grey's Ministry have been situated if the whole body of Directors had been nominated by the Duke of Wellington in 1830? I mean no imputation on the Duke of Wellington. If the present Ministers had to nominate Directors for four years, they would, I have no doubt, nominate men who would give no small trouble to the Duke of Wellington if he were to return to office. What we want is a body independent of the Government, and no more than independent—not a tool of the Treasury—not a tool of the opposition. No new plan which I have heard proposed would give us such a body. The Company, strange as its constitution may be, is such a body.

It is, as a Corporation, neither Whig nor Tory, neither high-church, nor low-church. It cannot be charged with having been for or against the Catholic Bill, for or against the Reform Bill. It has constantly acted with a view, not to English politics but to Indian politics. We have seen the country convulsed by faction. We have seen Ministers driven from office by this House—Parliament dissolved in anger—general elections of unprecedented turbulence—debates of unprecedented interest. We have seen the two branches of the Legislature placed in direct opposition to each other. We have seen the advisers of the Crown dismissed one day, and brought back the next day on the shoulders of the people. And amidst all these agitating events the Company has preserved strict and unsuspected neutrality. This is, I think, an inestimable advantage; and it is an advantage which we must altogether forego, if we consent to adopt any of the schemes which I have heard proposed on the other side of the House.

We must judge of the Indian government, as of all other governments, by its practical effects. According to the hon. member for Sheffield, India is ill governed; and the whole fault is with the Company. Innumerable accusations, great and small, are brought by him against their Administration. They are fond of war. They are fond of dominion. The taxation is burthensome. The laws are undigested. The roads are rough. The post goes on foot. And for everything the Company is answerable. From the dethronement of the Mogul princes to the mishaps of Sir Charles Metcalfe's courier, every disaster that has taken place in the East during sixty years is laid to the charge of this unfortunate Corporation. And the inference is, that all the power which they possess ought to be taken out of their hands, and transferred at once to the Crown.

Now, Sir, it seems to me that for all the evils which the honorable Gentleman has so pathetically recounted, the Ministers of the Crown are as much to blame as the Company—nay much more so. For the Board of Control could, without the consent of the Directors, have redressed those evils: and the Directors most certainly could not have redressed them without the consent of the Board of Control. Take the case of that frightful grievance which seems to have made the deepest impression on the mind of the hon. Gentleman—the slowness of the mail. Why, Sir, if my right hon. friend, the President of our Board, thought fit, he might direct me to write to the Court and require them to frame a despatch on that subject. If the Court disobeyed, he might himself frame a despatch ordering Lord William Bentinck to put the dawks all over Bengal on horseback. If the Court refused to send out this despatch, the Board could apply to the King's Bench for a mandamus. If, on the other hand, the Directors wished to accelerate the journeys of the mail, and the Board were adverse to the project, the Directors could do nothing at all. For all measures of internal policy the servants of the King are at least as deeply responsible as the Company. For all measures of foreign policy the servants of the King, and they alone, are responsible. I was surprised to hear the hon. Gentleman accuse the Directors of insatiable ambition and rapacity, when he must know that no act of aggression on any native state can be committed by the Company without the sanction of the Board, and that in fact, the Board has repeatedly approved of warlike measures, which were strenuously opposed by the Company. He must know, in particular, that, during the energetic and splendid Administration of the Marquess Wellesley, the Company was all for peace, and the Board all for conquest. If a line of conduct which the hon. Gentleman thinks unjustifiable, has been followed by the Ministers of the Crown in spite of the remonstrances of the Directors, this is surely a strange reason for turning off the Directors, and giving the whole power unchecked to the Crown.

The hon. Member tells us that India, under the present system, is not so rich and flourishing as she was 200 years ago. Really, Sir, I doubt whether we are in possession of sufficient data to enable us to form a judgment on that point. But the matter is of little importance. We ought to compare India under our Government, not with India under Acbar and his immediate successors, but with India as we found it. The calamities through which that country passed during the interval between the fall of the Mogul power and the establishment of the English supremacy were sufficient to throw the people back whole centuries. It would surely be unjust to say, that Alfred was a bad king because Britain, under his government, was not so

rich or so civilized as in the time of the Romans.

In what state, then, did we find India? And what have we made India? We found society throughout that vast country in a state to which history scarcely furnishes a parallel. The nearest parallel would perhaps be the state of Europe during the fifth century. The Mogul empire in the time of the successors of Aurungzebe, like the Roman empire in the time of the successors of Theodosius, was sinking under the vices of its internal administration, and under the assaults of barbarous invaders. At Delhi, as at Ravenna, there was a mock sovereign, a mere pageant immured in a gorgeous state prison. He was suffered to indulge in every sensual pleasure. He was adored with servile prostrations. He assumed and bestowed the most magnificent titles. But, in fact, he was a mere puppet in the hands of some ambitious subject. While the Honorii and Augustuli of the East, surrounded by their fawning eunuchs, revelled and dosed without knowing or caring what might pass beyond the walls of their palace gardens, the provinces had ceased to respect a government which could neither punish nor protect them. Society was a chaos. Its restless and shifting elements formed themselves every moment into some new combination, which the next moment dissolved. In the course of a single generation a hundred dynasties grew up, flourished, decayed, were extinguished, were forgotten. Every adventurer who could muster a troop of horse might aspire to a throne. Every palace was every year the scene of conspiracies, treasons, revolutions, parricides. Meanwhile a rapid succession of Alarics and Attilas passed over the defenceless empire. A Persian invader penetrated to Delhi, and carried back in triumph the most precious treasures of the House of Tamerlane. The Afghan soon followed, by the same track, to glean whatever the Persian had spared. The Jauts established themselves on the Jumna. The Seiks devastated Lahore. Every part of India, from Tanjore to the Himalayas, was laid under contribution by the Mahrattas. The people were ground down to the dust by the oppressor without and the oppressor within; by the robber from whom the Nabob was unable to protect them, by the Nabob who took whatever the robber had left to them. All the evils of despotism, and all the evils of anarchy, pressed at once on that miserable race. They knew nothing of government but its exactions. Desolation was in their imperial cities, and famine all along the banks of their broad and redundant rivers. It seemed that a few more years would suffice to efface all traces of the opulence and civilization of an earlier age.

Such was the state of India when the Company began to take part in the disputes of its ephemeral sovereigns. About eighty years have elapsed since we appeared as auxiliaries in a contest between two rival families for the sovereignty of a small corner of the Peninsula. From that moment commenced a great, a stupendous process—the reconstruction of a decomposed society. Two generations have passed away; and the process is complete. The scattered fragments of the empire of Aurungzebe have been united in an empire stronger and more closely knit together than that which Aurungzebe ruled. The power of the new sovereigns penetrates their dominions more completely, and is far more implicitly obeyed, than was that of the proudest princes of the Mogul dynasty.

It is true, that the early history of this great revolution is chequered with guilt and shame. It is true that the founders of our Indian empire too often abused the strength which they derived from superior energy and superior knowledge. It is true that with some of the highest qualities of the race from which they sprang, they combined some of the worst defects of the race over which they ruled. How should it have been otherwise? Born in humble stations, accustomed to earn a slender maintenance by obscure industry, they found themselves transformed in a few months from clerks drudging over desks, or captains in marching regiments, into statesmen and generals, with armies at their command, with the revenues of kingdoms at their disposal, with power to make and depose sovereigns at their pleasure. They were what it was natural that men should be who had been raised by so rapid an ascent to so dizzy an eminence, profuse and rapacious, imperious and corrupt.

It is true, then, that there was too much foundation for the representations of those satirists and dramatists who held up the character of the English Nabob to the derision and hatred of a former generation. It is true that some disgraceful intrigues, some unjust and cruel wars, some instances of odious perfidy and avarice stain the annals of our Eastern empire. It is true

that the duties of government and legislation were long wholly neglected or carelessly performed. It is true that when the new rulers at length began to apply themselves in earnest to the discharge of their high functions, they committed the errors natural to rulers who were but imperfectly acquainted with the language and manners of their subjects. It is true that some measures, which were dictated by the purest and most benevolent feelings, have not been attended by the desired success. It is true that India suffers to this day from a heavy burthen of taxation, and from a defective system of law. It is true, I fear, that in those states which are connected with us by subsidiary alliance, all the evils of oriental despotism have too frequently shown themselves in their most loathsome and destructive form.

All this is true. Yet in the history and in the present state of our Indian empire I see ample reason for exultation and for a good hope.

I see that we have established order where we found confusion. I see that the petty dynasties which were generated by the corruption of the great Mahometan empire, and which, a century ago, kept all India in constant agitation, have been quelled by one overwhelming power. I see that the predatory tribes who, in the middle of the last century, passed annually over the harvests of India with the destructive rapidity of a hurricane, have quailed before the valour of a braver and sterner race—have been vanquished, scattered, hunted to their strong holds, and either exterminated by the English sword, or compelled to exchange the pursuits of rapine for those of industry.

I look back for many years; and I see scarcely a trace of the vices which blemished the splendid fame of the first conquerors of Bengal. I see peace studiously preserved. I see faith inviolably maintained towards feeble and dependent states. I see confidence gradually infused into the minds of suspicious neighbours. I see the horrors of war mitigated by the chivalrous and Christian spirit of Europe. I see examples of moderation and clemency, such as I should seek in vain in the annals of any other victorious and dominant nation. I see captive tyrants, whose treachery and cruelty might have excused a severe retribution, living in security, comfort, and dignity, under the protection of the government which they laboured to destroy.

I see a large body of civil and military functionaries resembling in nothing but capacity and valour those adventurers who seventy years ago came hither, laden with wealth and infamy, to parade before our fathers the plundered treasures of Bengal and Tanjore. I reflect with pride that to the doubtful splendor which surrounds the memory of Hastings and of Clive, we can oppose the spotless glory of Elphinstone and Monro. I observe with reverence and delight the honourable poverty which is the evidence of a rectitude firmly maintained amidst strong temptations. I rejoice to see my countrymen, after ruling millions of subjects, after commanding victorious armies, after dictating terms of peace at the gates of hostile capitals, after administering the revenues of great provinces, after judging the causes of wealthy Zemindars, after residing at the Courts of tributary Kings, return to their native land with no more than a decent competence.

I see a government anxiously bent on the public good. Even in its errors I recognize a paternal feeling towards the great people committed to its charge. I see toleration strictly maintained. Yet I see bloody and degrading superstitions gradually losing their power. I see the morality, the philosophy, the taste of Europe, beginning to produce a salutary effect on the hearts and understandings of our subjects. I see the public mind of India, that public mind which we found debased and contracted by the worst forms of political and religious tyranny, expanding itself to just and noble views of the ends of government and of the social duties of man.

I see evils: but I see the Government actively employed in the work of remedying those evils. The taxation is heavy; but the work of retrenchment is unsparingly pursued. The mischiefs arising from the system of subsidiary alliance are great: but the rulers of India are fully aware of those mischiefs, and are engaged in guarding against them. Wherever they now interfere for the purpose of supporting a native government, they interfere also for the purpose of reforming it.

Seeing these things, then, am I prepared to discard the Company as an organ of government? I am not. Assuredly I will never shrink from innovation where I see reason to believe that innovation will be improvement. That the present Government does not shrink from innovations which it considers as improvements, the measure now before the House sufficiently shows. But surely the burthen of the proof lies on the innovators. They are bound

some ground; to show that there is a fair probability of obtaining some advantage before they call upon us to take up the foundations of the Indian government. I have no superstitious veneration for the Court of Directors or the Court of Proprietors. Find me a better Council: find me a better constituent body: and I am ready for a change. But of all the substitutes for the Company which have hitherto been suggested, not one has been proved to be better than the Company; and most of them I could, I think, easily prove to be worse. Circumstances might force us to hazard a change. If the Company were to refuse to accept of the government unless we would grant pecuniary terms which I thought extravagant, or unless we gave up the clauses in this Bill which permit Europeans to hold landed property, and natives to hold office, I would take them at their word. But I will not discard them in the mere rage of experiment.

Do I call the government of India a perfect government? Very far from it. No nation can be perfectly well governed till it is competent to govern itself. I compare the Indian government with other governments of the same class, with despotisms, with military despotisms, with foreign military despotisms; and I find none that approaches it in excellence. I compare it with the government of the Roman provinces—with the government of the Spanish colonies—and I am proud of my country and my age. Here are a hundred millions of people under the absolute rule of a few strangers, differing from them physically—differing from them morally—mere Mamelukes, not born in the country which they rule, not meaning to lay their bones in it. If you require me to make this government as good as that of England, France, or the United States of America, I own frankly that I can do no such thing. Reasoning *a priori*, I should have come to the conclusion that such a government must be a horrible tyranny. It is a source of constant amazement to me that it is so good as I find it to be. I will not, therefore, in a case in which I have neither principles nor precedents to guide me, pull down the existing system on account of its theoretical defects. For I know that any system which I could put in its place would be equally condemned by theory, while it would not be equally sanctioned by experience.

Some change in the constitution of the Company was, as I have shown, rendered miserable by the opening of the China gover; and it was the duty of the Government to take care that the change should not be prejudicial to India. There were many ways in which the compromise between commerce and territory might have been effected. We might have taken the assets, and paid a sum down, leaving the Company to invest that sum as they chose. We might have offered English security with a lower interest. We might have taken the course which the late Government designed to take. We might have left the Company in possession of the means of carrying on its trade in competition with private merchants. My firm belief is, that, if this course had been taken, the Company must, in a very few years, have abandoned the trade or the trade would have ruined the Company. It was not, however, solely or principally by regard for the interest of the Company, or of the English merchants generally, that the Government was guided on this occasion. The course which appeared to us the most likely to promote the interests of our Eastern empire was to make the proprietors of India stock creditors of the Indian territory. Their interest will thus be in a great measure the same with the interest of the people whom they are to rule. Their income will depend on the revenues of their empire. The revenues of their empire will depend on the manner in which the affairs of that empire are administered. We furnish them with the strongest motives to watch over the interests of the cultivator and the trader, to maintain peace, to carry on with vigour the work of retrenchment, to detect and punish extortion and corruption. Though they live at a distance from India—though few of them have ever seen or may ever see the people whom they rule—they will have a great stake in the happiness of their subjects. If their misgovernment should produce disorder in the finances, they will themselves feel the effects of that disorder in their own household expenses. I believe this to be, next to a representative constitution, the constitution which is the best security for good government. A representative constitution India cannot at present have. And we have, therefore, I think, given her the best constitution of which she is capable.

One word as to the new arrangement which we propose with respect to the patronage. It is intended to introduce the principle of competition in the disposal of writerships; and from this change I cannot but anticipate the happiest results. The civil servants of the Company are undoubtedly a highly respectable body of men;

and, in that body, as in every large body, there are some persons of very eminent ability. I rejoice most cordially to see this. I rejoice to see that the standard of morality is so high in England, that intelligence is so generally diffused through England, that young persons who are taken from the mass of society, by favour and not by merit, and who are therefore only fair samples of the mass, should, when placed in situations of high importance, be so seldom found wanting. But it is not the less true, that India is entitled to the service of the best talents which England can spare. That the average of intelligence and virtue is very high in this country, is matter for honest exultation. But it is no reason for employing average men where you can obtain superior men. Consider too, Sir, how rapidly the public mind of India is advancing, how much attention is already paid by the higher classes of the natives to those intellectual pursuits on the cultivation of which the superiority of the European race to the rest of mankind principally depends. Surely, under such circumstances, from motives of selfish policy, if from no higher motive, we ought to fill the Magistracies of our Eastern Empire with men who may do honour to their country—with men who may represent the best part of the English nation. This, Sir, is our object; and we believe, that by the plan which is now proposed this object will be attained. It is proposed that for every vacancy in the civil service four candidates shall be named, and the best candidate elected by examination. We conceive that, under this system, the persons sent out will be young men above par—young men superior either in talents or in diligence to the mass. It is said, I know, that examinations in Latin, in Greek and in mathematics are no tests of what men will prove to be in life. I am perfectly aware, that they are not infallible tests; but that they are tests I confidently maintain. Look at every walk of life—at this House—at the other House—at the Bar—at the Bench—at the Church—and see whether it be not true, that those who attain high distinction in the world are generally men who were distinguished in their academic career. Indeed, Sir, this objection would prove far too much even for those who use it. It would prove, that there is no use at all in education. Why should we put boys out of their way? Why should we force a lad, who would much rather fly a kite or trundle a hoop, to learn his Latin Grammar? Why should we keep a young man to his Thucydides or his Laplace, when he would much rather be shooting? Education would be mere useless torture, if, at two or three and twenty, a man who has neglected his studies were exactly on a par with a man who has applied himself to them—exactly as likely to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is not now the question. Perhaps I may think that too much time is given to the ancient languages and to the abstract sciences. But what then? Whatever be the languages—whatever be the sciences, which it is, in any age or country, the fashion to teach, those who become the greatest proficients in those languages, and those sciences will generally be the flower of the youth—the most acute—the most industrious—the most ambitious of honorable distinctions. If the Ptolemaic system were taught at Cambridge, instead of the Newtonian, the senior wrangler would nevertheless be in general a superior man to the wooden spoon. If, instead of learning Greek, we learned the Cherokee, the man who understood the Cherokee best, who made the most correct and melodious Cherokee verses — who comprehended most accurately the effect of the Cherokee particles—would generally be a superior man to him who was destitute of these accomplishments. If astrology were taught at our Universities, the young man who cast nativities best would generally turn out a superior man. If alchymy were taught, the young man who showed most activity in the pursuit of the philosopher's stone, would generally turn out a superior man.

I will only add one other observation on this subject. Although I am inclined to think that too much attention is paid in the education of English gentlemen to the dead languages, I conceive, that when you are choosing young men to fill situations for which the very first and most indispensable qualification is familiarity with foreign languages, it would be difficult to find a better test of their fitness than their classical acquirements.

Some persons have expressed doubts as to the possibility of procuring fair examinations. I am quite sure, that no person who has been either at Cambridge or at Oxford can entertain such doubts. I feel, indeed, that I ought to apologize for even noticing an objection so frivolous.

Next to the opening of the China trade, the change most eagerly demanded by the English people was, that the restrictions on the admission of Europeans to India should be removed. In this measure, there are undoubtedly very great advantages. The chief advantage is, I think, the improvement which the minds of our native subjects may be expected to derive from free intercourse with a people far advanced beyond themselves in intellectual cultivation I cannot deny, however, that the advantages of this great change are attended with some danger.

The danger is that the new comers, belonging to the ruling nation, resembling in colour, in language, in manners, those who hold supreme military and political power, and differing in all these respects from the great mass of the population, may consider themselves as a superior class, and may trample on the indigenous race. Hitherto there have been strong restraints on Europeans resident in India. Licences were not easily obtained. Those residents who were in the service of the Company had obvious motives for conducting themselves with propriety. If they incurred the serious displeasure of the Government, their hopes of promotion were blighted. Even those who were not in the public service, were subject to the formidable power which the Government possessed of banishing them at its pleasure.

The licence of the Government will now no longer be necessary to persons who desire to reside in the settled provinces of India. The power of arbitrary deportation is withdrawn. Unless, therefore, we mean to leave the natives exposed to the tyranny and insolence of every profligate adventurer who may visit the East, we must place the European under the same power which legislates for the Hindoo. No man loves political freedom more than I. But a privilege enjoyed by a few individuals in the midst of a vast population who do not enjoy it, ought not to be called freedom. It is tyranny. In the West Indies I have not the least doubt that the existence of the Trial by Jury and of Legislative Assemblies, has tended to make the condition of the slaves worse than it would otherwise have been. Or, to go to India itself for an instance, though I fully believe that a mild penal code is better than a severe penal code, the worst of all systems was surely that of having a mild code for the Brahmins, who sprang from the head of the Creator, while there was a severe code for the Sudras, who sprang from his feet. India has suffered enough already from the distinction of castes, and from the deeply rooted prejudices which those distinctions have engendered. God forbid that we should inflict on her the curse of a new caste, that we should send her a new breed of Brahmins, authorised to treat all the native population as Parias.

With a view to the prevention of this evil, we propose to give to the supreme Government the power of legislating for Europeans as well as for natives. We propose that the regulations of the Government shall bind the King's Court as they bind all other Courts, and that registration by the Judges of the King's Court shall no longer be necessary to give validity to those regulations within the towns of Calcutta, Madras, and Bombay.

I could scarcely, Sir, believe my ears when I heard this part of our plan condemned in another place. I should have thought, that it would have been received with peculiar favour in that quarter where it has met with the most severe condemnation. What, at present, is the case? If the Supreme Court and the Government differ on a question of jurisdiction, or of legislation within the towns which are the seats of Government, there is absolutely no umpire but the Imperial Parliament. The device of putting one wild elephant between two tame ones was ingenious; but it may not always be practicable. Suppose a tame elephant between two wild ones, or suppose, that the whole herd should run wild together. The thing is not without example. And is it not most unjust and ridiculous that on one side of a ditch the edict of the Governor General should have the force of law, and that on the other side it should be of no effect unless registered by the Judges of the Supreme Court? If the registration be a security for good legislation, we are bound to give that security to all classes of our subjects. If the registration be not a security for good legislation, why require it? Why give it to a million of them, and withhold it from the other ninety-nine millions? Is the system good? Extend it. Is it bad? Abolish it. But in the name of common sense do not leave it as it is. It is as absurd as our old law of sanctuary. The system of imprisonment for debt may be good or bad. But no man in his senses can approve of the ancient system under which a debtor who might be arrested in Fleet Street was safe as soon as he had scampered into

Whitefriars. Just in the same way, doubts may fairly be entertained about the expediency of allowing four or five persons to make laws for India; but to allow them to make laws for all India without the Mahratta ditch, and to except Calcutta, is the height of absurdity.

I say, therefore, either enlarge the power of the Supreme Court and give it a general veto on laws, or enlarge the power of the Government, and make its regulations binding on all Courts without distinction. The former course no person has ventured to propose. To the latter course objections have been made,—but objections which to me, I must own seem altogether frivolous. It is acknowledged, that of late years inconvenience has arisen from the relation in which the Supreme Court stands to the Government. But, it is said, that Court was originally instituted for the protection of natives against Europeans. The wise course would, therefore, be to restore its original character.

Now, Sir, the fact is, that the Supreme Court has never been so mischievous as during the first ten years of its power, or so respectable as it has lately been. Every body who knows anything of its early history knows, that for a considerable time after its institution, it was the terror of Bengal, the scourge of native informants, the screen of European delinquents, a convenient tool of the Government for all purposes of evil, an insurmountable obstacle to the Government in all undertakings for the public good;—that its proceedings were made up of pedantry, cruelty, and corruption;—that its disputes with the Government were at one time on the point of breaking up the whole fabric of society; and that a convulsion was averted only by the dexterous policy of Warren Hastings, who at last bought off the opposition of the Chief Justice for 8,000*l.* a-year. It is notorious, that while the Supreme Court opposed Hastings in all his best measures, it was a thorough-going accomplice in his worst—that it took part in the most scandalous of those proceedings which fifty years ago roused the indignation of Parliament and of the country—that it assisted in the spoliation of the princesses of Oude—that it passed sentence of death on Nundcomar. And this is the Court which we are to restore from its present state of degeneracy to its original purity. This is the protection which we are to give to the natives against the Europeans. Sir, so far is it from being true that the character of the Supreme Court has deteriorated, that it has perhaps improved more than any other institution in India. But the evil lies deep in the nature of the institution itself. The Judges have in our time deserved the greatest respect. Their judgment and integrity has done much to mitigate the vices of the system. The worst charge that can be brought against any of them is that of pertinacity—disinterested, conscientious, pertinacity—in error. The real evil is in the state of the law. You have two supreme powers in India. There is no arbitrator except a Legislature ten thousand miles off. Such a system is in the face of it an absurdity in politics. My wonder is, not that this system has several times been on the point of producing fatal consequences to the peace and resources of India,—these, I think, are the words in which Warren Hastings describes the effect of the contest between his Government and the Judges—but that it has not actually produced such consequences. The most distinguished members of the Indian Government—the most distinguished Judges of the Supreme Court—call upon you to reform this system. Sir Charles Metcalfe, Sir Charles Grey, represent with equal urgency the expediency of having one single paramount council armed with legislative power. The admission of Europeans to India renders it absolutely necessary not to delay our decision. The effect of that admission would be to raise a hundred questions—to produce a hundred contests between the council and the judicature. The Government would be paralysed at the precise moment at which all its energy was required. While the two equal powers were acting in opposite directions, the whole machine of the state would stand still. The Europeans would be uncontrolled; the natives would be unprotected. The consequences I will not pretend to foresee. Every thing beyond is darkness and confusion.

Having given to the Government supreme legislative power, we next propose to give to it for a time the assistance of a Commission for the purpose of digesting and reforming the laws of India, so that those laws may, as soon as possible, be formed into a code. Gentlemen of whom I wish to speak with the highest respect, have expressed a doubt whether India be at present in a fit state to receive a benefit which is not yet enjoyed by this free and highly civilized country. Sir, I can allow to this argument very little weight beyond that

which it derives from the personal authority of those who use it. For, in the first place, our freedom and our high civilization render this improvement, desirable as it must always be, less indispensably necessary to us than to our Indian subjects: and in the next place our freedom and civilization, I fear, render it far more difficult for us to obtain this benefit for ourselves than to bestow it on them.

I believe that no country ever stood so much in need of a code of laws as India, and I believe also that there never was a country in which the want might so easily be supplied. I said, that there were many points of analogy between the state of that country after the fall of the Mogul power, and the state of Europe after the fall of the Roman empire. In one respect the analogy is very striking. As in Europe then, so in India now, there are several systems of law widely differing from each other, but co-existing and co-equal. The indigenous population has its own laws. Each of the successive races of conquerors has brought with it its own peculiar jurisprudence: the Mussulman his Koran and its innumerable commentators—the Englishman his Statute-Book, and his Term Reports. As there were established in Italy, at one and the same time, the Roman law, the Lombard law, the Ripuarian law, the Bavarian law, and the Salic law, so we have now in our Eastern empire Hindoo law, Mahometan law, Parsee law, English law, perpetually mingling with each other, and disturbing each other; varying with the person, varying with the place. In one and the same cause the process and pleadings are in the fashion of one nation, the judgment is according to the laws of another. An issue is evolved according to the rules of Westminster, and decided according to those of Benares. The only Mahometan book in the nature of a code is the Koran;—the only Hindoo book the Institutes. Every body who knows those books, knows that they provide for a very small part of the cases which must arise in every community. All beyond them is comment and tradition. Our regulations in civil matters do not define rights; they merely establish remedies. If a point of Hindoo law arises, the Judge calls on the Pundit for an opinion. If a point of Mahometan law arises, the Judge applies to the Cauzee. What the integrity of these functionaries is, we may learn from Sir William Jones. That eminent man declared, that he could not answer it to his conscience to decide any point of law on the faith of a Hindoo expositor. Sir Thomas Strange confirms this declaration. Even if there were no suspicion of corruption on the part of the interpreters of the law, the science which they profess is in such a state of confusion that no reliance can be placed on their answers. Sir Francis Macnaghten tells us, that it is a delusion to fancy that there is any known and fixed law under which the Hindoo people live; that texts may be produced on any side of any question; that expositors equal in authority perpetually contradict each other; that the obsolete law is perpetually confounded with the law actually in force, and that the first lesson to be impressed on a functionary who has to administer Hindoo law is, that it is vain to think of extracting certainty from the books of the jurists. The consequence is, that in practice the decisions of the tribunals are altogether arbitrary. What is administered is not law, but a kind of rude and capricious equity. I asked an able and excellent Judge lately returned from India how one of our Zillah Courts would decide several legal questions of great importance—questions not involving considerations of religion or of caste—mere questions of commercial law. He told me, that it was a mere lottery. He knew how he should himself decide them. But he knew nothing more. I asked a most distinguished civil servant of the Company, with reference to the clause in this Act abolishing slavery, whether at present, if a dancing girl ran away from her master, the Judge would force her to go back. "Some Judges," he said, "send a girl back; others set her at liberty. The whole is a mere matter of chance. Every thing depends on the temper of the individual judge."

Even in this country, we have had complaints of judge-made law; even in this country, where the standard of morality is higher than in almost any other part of the world—where, during several generations not one depositary of our legal traditions has incurred the suspicion of personal corruption—where there are popular institutions—where every decision is watched by a shrewd and learned audience—where there is an intelligent and observant public—where every remarkable case is fully reported in a hundred newspapers—where, in short, there is everything which can mitigate the evils of such a system. But judge-made law, where there is an absolute government and a lax morality—where there is no bar and no public—is

a curse and a scandal not to be endured. It is time that the Magistrate should know what law he is to administer—that the subject should know under what law he is to live. We do not mean that all the people of India should live under the same law: far from it: there is not a word in the Bill—there was not a word in my right hon. friend's speech—susceptible of such an interpretation. We know how desirable that object is; but we also know that it is unattainable. We know that respect must be paid to feelings generated by differences of religion, of nation, and of caste. Much, I am persuaded, may be done to assimilate the different systems of law without wounding those feelings. But, whether we assimilate those systems or not, let us ascertain them, let us digest them. We propose no rash innovation; we wish to give no shock to the prejudices of any part of our subjects. Our principle is simply this—uniformity where you can have it—diversity where you must have it—but in all cases certainty.

As I believe that India stands more in need of a code than any other country in the world, I believe also that there is no country on which that great benefit can more easily be conferred. A code is almost the only blessing—perhaps it is the only blessing which absolute governments are better fitted to confer on a nation than popular governments. The work of digesting a vast and artificial system of unwritten jurisprudence, is far more easily performed, and far better performed by few minds than by many—by a Napoleon than by a Chamber of Deputies and a Chamber of Peers—by a government like that of Prussia or Denmark, than by a government like that of England. A quiet knot of two or three veteran jurists is an infinitely better machinery for such a purpose than a large popular assembly divided, as such assemblies almost always are, into adverse factions. This seems to me, therefore, to be precisely that point of time at which the advantage of a complete written code of laws may most easily be conferred on India. It is a work which cannot be well performed in an age of barbarism—which cannot without great difficulty be performed in an age of freedom. It is the work which especially belongs to a government like that of India—to an enlightened and paternal despotism.

I have detained the House so long, Sir, that I will defer what I had to say on some parts of this measure—important parts, indeed, but far less important, as I think, than those to which I have adverted, till we are in Committee. There is, however, one part of the Bill on which, after what has recently passed elsewhere, I feel myself irresistibly impelled to say a few words. I allude to that wise, that benevolent, that noble clause, which enacts that no native of our Indian empire shall, by reason of his colour, his descent, or his religion, be incapable of holding office. At the risk of being called by that nickname which is regarded as the most opprobrious of all nicknames, by men of selfish hearts and contracted minds—at the risk of being called a philosopher—I must say that, to the last day of my life, I shall be proud of having been one of those who assisted in the framing of the Bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We are told, that we are bound to confer on our subjects—every benefit which they are capable of enjoying?—no—which it is in our power to confer on them?—no—but which we can confer on them without hazard to our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality.

I am far, very far, from wishing to proceed hastily in this most delicate matter. I feel that, for the good of India itself, the admission of natives to high office must be effected by slow degrees. But that, when the fulness of time is come, when the interest of India requires the change, we ought to refuse to make that change lest we should endanger our own power;—this is a doctrine which I cannot think of without indignation. Governments, like men, may buy existence too dear. "Propter vitam vivendi perdere causas," is a despicable policy either in individuals or in states. In the present case, such a policy would be not only despicable, but absurd. The mere extent of empire is not necessarily an advantage. To many governments it has been cumbersome; to some it has been fatal. It will be allowed by every statesman of our time, that the prosperity of a community is made up of the prosperity of those who compose the community, and that it is the most childish ambition to covet dominion which adds to no man's comfort or security. To the great trading nation, to the great manufacturing nation,

no progress which any portion of the human race can make in knowledge, in taste for the conveniences of life, or in the wealth by which those conveniences are produced, can be matter of indifference. It is scarcely possible to calculate the benefits which we might derive from the diffusion of European civilisation among the vast population of the East. It would be, on the most selfish view of the case, far better for us that the people of India were well governed and independent of us, than ill governed and subject to us—that they were ruled by their own kings, but wearing our broad cloth, and working with our cutlery, than that they were performing their salams to English collectors and English Magistrates, but were too ignorant to value, or too poor to buy, English manufactures. To trade with civilized men is infinitely more profitable than to govern savages. That would, indeed, be a doting wisdom, which, in order that India might remain a dependency, would make it an useless and costly dependency—which would keep a hundred millions of men from being our customers in order that they might continue to be our slaves.

It was, as Bernier tells us, the practice of the miserable tyrants whom he found in India, when they dreaded the capacity and spirit of some distinguished subject, and yet could not venture to murder him, to administer to him a daily dose of the pousta, a preparation of opium, the effect of which was in a few months to destroy all the bodily and mental powers of the wretch who was drugged with it, and to turn him into an helpless idiot. That detestable artifice, more horrible than assassination itself, was worthy of those who employed it. It is no model for the English nation. We shall never consent to administer the pousta to a whole community—to stupify and paralyse a great people whom God has committed to our charge for the wretched purpose of rendering them more amenable to our control. What is that power worth which is founded on vice, on ignorance, and on misery—which we can hold only by violating the most sacred duties which as governors we owe to the governed—which as a people blessed with far more than an ordinary measure of political liberty and of intellectual light—we owe to a race debased by three thousand years of despotism and priestcraft? We are free, we are civilized, to little purpose, if we grudge to any portion of the human race an equal measure of freedom and civilization.

Are we to keep the people of India ignorant in order that we may keep them submissive? Or do we think that we can give them knowledge without awakening ambition? Or do we mean to awaken ambition and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet one of them must be answered in the affirmative, by every person who maintains that we ought permanently to exclude the natives from high office. I have no fears. The path of duty is plain before us: and it is also the path of wisdom, of national prosperity, of national honour.

The destinies of our Indian empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms by itself a separate class of political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government, that, having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens would indeed be a title to glory all our own. The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverses. There is an empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws.

Mr. *Wynn*, after praising highly the speech of the hon. and learned Member (Mr. Macaulay) expressed his concurrence in almost every principle laid down by the hon. and learned Member, although he differed somewhat, as to their application to the Bill before the House. In nothing, however, more unreservedly did he agree with the hon. Member, than in the sentiments which he so forcibly impressed on the House at the close of his speech. He had

been convinced, ever since he was first connected with the affairs of India, that the only principle on which that empire could justly or wisely, or advantageously be administered, was that of admitting the natives to a participation in the Government, and allowing them to hold every office the duties of which they were competent to discharge. That principle had been supported by the authority of Sir Thomas Munro, and of the ablest functionaries in India, and been resisted with no small pertinacity and prejudice? It had been urged, that the natives were undeserving of trust, that no dependence could be placed on their integrity, whatever might be their talents and capacity which no one disputed. Instances were adduced of their corruption and venality —but were they not the result of our conduct towards them? Duties of importance devolved upon them without any adequate remuneration either in rank or salary. There was no reward or promotion for fidelity; and why then complain of peculation and bribery. We made vices and then punished them; we reduced men to slavery, and then reproached them with the faults of slaves. The objection, too, had been urged against the descendants of our own countrymen—the half-castes—who ought to have formed the link of connexion between the English and the natives, but who had been converted into wedges to widen the separation. The Court of Directors had, to the latest moment, strenuously enforced against the half-castes the same exclusion as against the natives. The Court had equally resisted the employment of any but the covenanted servants of the Company, even in offices which might have been competently filled by other Englishmen resident in India, at one-half the expense incurred by employing the Company's servants. He regretted, that the advanced period of the Session, and the pressure of other important business, the Bank Charter and the West-India Bills, would leave for the consideration of this Bill only a very short time. He was aware, that it was necessary some part of the measure should pass during the present Session; but he felt convinced, that it was impossible that the measure should, as a whole, then receive that consideration which its importance demanded. It was on the 18th of June, in 1813, that Earl Grey, the head of the Government, objected to entering upon the consideration of this question, at a period of the Session, a month earlier than the present, on the ground that there was not time for the discussion of such an important subject. Both Earl Grey and Lord Grenville, in consequence, withdrew themselves from the subsequent debates upon the Bill for the renewal of the East-India Company's Charter. He remembered, too, that in 1828, his lamented friend, Sir James Mackintosh, spoke in the following terms, of the manner of discussing these Bills for the renewal of the Charter:—'What was 'the history of India? For a long time 'utterly neglected, at length forcing itself 'upon the attention of Parliament, the 'subject suddenly taken up, debated for a 'few hours in a few days of a Session, and 'in the end a bargain passed for the lease 'of this great empire for twenty years 'longer. In the interval the perpetual 'appearance of impatience in Parliament 'interdicting the most intrepid Member 'from bringing the subject under its consi-'deration, until perhaps the very day 'before the settling day between the stew-'ard and the tenant, when, perhaps, some 'increase in rent, or a new settlement was 'agreed for. That was the conduct of 'Parliament in successive periods of 1773, '1783, 1794, 1813. What could have 'been expected from such a system—slow 'without deliberation, and sudden without 'vigour. When the subject came upon them, 'scarce a moment's time was devoted to 'it, and consideration, inquiry, medita-'tion were left out of the question.'* He regretted that Sir James Mackintosh's remark had been again realized. When the Committee on this subject was appointed in 1830, it appeared probable that their labours would have been completed in sufficient time to have enabled the Government to lay its plan before Parliament in 1832, in order that it might be considered during the recess, and decided upon in the present Session. Unfortunately this was not the case. A hasty decision was rendered almost inevitable, and that decision therefore should not extend the Charter more than ten years. The first leading provision of the Bill was to continue the present political functions of the Court of Directors. The hon. member for Leeds, and the other supporters of the Bill, took cre-

* Hansard, (new series) xix. p. 1399.

dit for having removed the anomaly of the Union in the same body of characters so opposite as those of a trading company and the rulers of an extensive empire. That was most objectionable; and by this Bill, the Company was divested of its trading character; but by an anomaly not less striking the important political functions of the sovereigns of an empire were disposed of in shares, were exercised by a Joint Stock Company, and were marketable on the Stock Exchange. It was said, that India had been well governed, and that, therefore, the power of the Company should be continued. Was it not notorious, however, that during the last fifty years, in which all the material improvements had been effected, and the abuses removed, the supreme government of India, though nominally vested in the Court of Directors, had really been in the hands of the Ministers of the Crown? A remarkable fallacy ran through the speeches both of the President of the Board of Control, and the hon. member for Leeds. They spoke as if the Court of Directors had originated the appointment of those who had exercised the supreme local authority in India, and had claimed the merit for them; but practically, the Court of Directors had scarcely, in any one instance, selected the Governor-General of India; though it had, in different instances, been a useful check on the Councils of his Majesty. The hon. and learned Member alluded to his statement on a former occasion, relative to the constitution of the Court of Directors, and said, that if the proposition were acted upon, the Government would acquire great additional influence. He had proposed, that a council of eight should be appointed by the Crown from among those who had served ten years in India; that two of them should go out annually by rotation, but be capable of immediate re-appointment. Suppose, therefore, as stated by the hon. Gentleman, that the Duke of Wellington had, three years ago, in the first instance, appointed all these councillors, the present Ministers would already have had the opportunity of changing six of them, if disposed factiously to thwart the views of the Ministers. But it was said, that the patronage of Ministers would be increased. He proposed, however, that the places of writers should be filled up by open competition; and those of cadets, by the nomination of persons who had attained high situations in the Indian service. He would next proceed to consider the general principle of the continuance of the political functions of the Court of Directors as affirmed by the House, and the various and multifarious provisions contained in the Bill, which were enough for five Bills instead of one. The further continuance of that form of home government for India which expired next spring, and of the pecuniary arrangements with the proprietors, must immediately be decided; but there was no necessity for pressing the other parts of the Bill. Time might be allowed for the consideration and discussion of the important alterations which it was proposed to make in the relative powers of the Governor-General, and the subordinate governors; in the limits of the different presidencies; in the ecclesiastical jurisdiction; the distribution of patronage; and the regulations for education. He should, therefore, recommend his right hon. friend to postpone all the latter clauses of the Bill. One of the points on which it was essential then to determine, was the number of Directors. Perhaps his right hon. friend would inform him whether it was intended that the present number of Directors should continue to constitute the Court? [Mr. *Charles Grant:* Yes.] The twenty-four Directors were divided into Committees of Correspondence, of Buying, of Warehousing, and of Shipping; but after the commercial business of the Company was put an end to, as there would no longer be any employment for any except the first of these Committees, it appeared unnecessary that the same number of Directors should be maintained. Were the junior Directors to hold sinecure offices, till, by the operation of the present system, they should rise to the eleven senior seats? In that case, Mr Bailey, a candidate, at present, for a seat in the Direction, could not, if successful, render any service to the public, until death should have created thirteen vacancies among the present Directors; and, by that time, he would have forgotten a portion of his information respecting India, which must be most valuable. He objected also to allowing the election of Directors to be conducted as at present. There were 350 ladies among the proprietors, and it was highly probable that they, as well as a large proportion of the male proprietors, were more likely to be influenced in giving their votes, by the hopes

of obtaining preferment for their relatives, and by the solicitations of others, than by a consideration of the fitness of particular candidates. Suppose that the Directors elected in the first instance, were the fittest possible for the discharge of their duties. How was it possible for the proprietors afterwards to obtain any knowledge of the manner in which any individual Director filled his office? How could they ascertain whether he was attentive or negligent—whether he discharged his duty in the most able or the most inefficient manner? The want of control over the Directors, appeared to him to be the great sin of the present system; and he trusted that his right hon. friend would consider whether it was possible to make some alteration in this respect? The hon. and learned member for Leeds said, that we could not supply the best check on the government of India — a representative system. Agreed! but what was the next best check? It was individual responsibility. He did not mean, that the President of the Board of Control should be liable to impeachment; but that he should be responsible to public opinion, which might be brought into action in this case. If the affairs of India were to go on ever so well—if they were to be administered with all imaginable ability and success during the next ten years—would the name of his right hon. friend, or that of a single Director, be known beyond the walls of this city, as having contributed to so beneficial a result? Or, supposing the government of India to be administered most inefficiently and negligently, would his right hon. friend be subjected to the slightest blame, or was there a man who would blush to hear it said, that his father was a Director during a period so humiliating to the national character? Supposing it was proper that the Directors should continue to be elected as at present, it would be desirable that eleven of the number should be chosen expressly as political Directors, and the others as honorary Directors, to administer patronage, and nothing else. The Correspondence Committee, which discharged the political business, had never exceeded eleven, and of that number no inconsiderable proportion had frequently, from age and infirmity, been incapable of the discharge of any duty. At all events, that number had been found competent to transact all the business; and, therefore, eleven political Directors would, in future, be found sufficient to discharge all the duties which would devolve upon them. With respect to the pecuniary part of the question, he must say, that he thought that the bargain was, on the whole, a favourable one for the proprietors, more favourable than they were strictly entitled to, especially in securing them their dividend of ten and a-half per cent; but he would not on that account quarrel with it. He agreed with the hon. and learned Member, that there were only two ways of determining this question—either by adjudication or compromise; and, as adjudication would be an almost endless task, it was better to resort to compromise. These points might all be disposed of in the course of the present Session; and so might the question of appointing a Commission to inquire into the state of law in India, and endeavour to frame a copy, which would be one of the most arduous tasks ever committed to any body of men. When he considered the differences of religion, of language, of customs, and manners, which divided the Hindoo, the Mussulman, the Parsee, and the Christian —the immense distance which separated the inhabitants of the Dooab from those of the Carnatic, or of the gulf of Cutch from those of Arracan—the endeavour to frame a code of laws applicable to them all, seemed too mighty for execution. To subject them all to one uniform system was, indeed, obviously impossible, and could not, for a moment, be contemplated. The same law, for instance, could not regulate the state of females, or the consequent social duties, where polygamy was permitted, and where it was forbidden. All that could be attempted was, to ascertain the existing laws, and to assimilate them, as far as circumstances might allow, with the most discreet and cautious hand. In the inquiry which must, in the first instance, be extended over these wide and diversified regions, it would be found necessary to employ a great number of sub-Commissioners. He was aware, that there was much valuable information to be found in the archives of the East-India Company, but extensive inquiry would be necessary on the spot, and a considerable period must elapse before such a beneficial plan could be carried into execution. The Commission, certainly, should be immediately appointed. As to the Constitution of the Supreme

Government, and to the proposed separation of the government of Bengal, he was favourable to it. His only doubt was as to the expediency of immediately carrying it into execution. When Lord William Bentinck himself disapproved of the proposed arrangement, he was inclined to wish for further time to consider it, and should wish that question to be postponed till next Session. He hoped that his right hon. friend would lay before the House an estimate of the expense likely to be incurred on this account. The opinions expressed in another place by the late President of the India Board, with respect to the probable expense, certainly appeared to him exaggerated; but, at the same time, they were such as called for serious consideration; particularly as a deficiency of 800,000*l.* was likely to accrue in the course of the next year. He had no doubt whatever, but that the resources of India, under a wise and economical Administration, would be found perfectly adequate to meet all charges upon them; but expense must be regulated by means. No one acquainted with India, would propose additional taxation; and reduction of expenditure had been carried almost as far as it safely could be at present. He hoped, therefore, that this part of the plan would not be pressed too rapidly forward, because it must necessarily lead to a considerable increase of expense, knowing that Lord William Bentinck went to India, that the expediency of this alteration was to be considered by him; and since he reached that country he had devoted his attention to the subject. Under these circumstances, he felt a strong objection to act contrary to his opinion without an opportunity for further examination. He could not approve, either, of the unprecedented and unlimited power vested in the Governor-General and council to set aside, at their pleasure, every right or privilege heretofore granted, whether by law or charter, to the European inhabitants of the three Presidencies. Neither could he approve of the prohibition to the governors of Madras and Bombay to carry into execution any measure, whether important or trifling, without the previous sanction and authority of the Supreme Government. That would overwhelm the Supreme Government with unnecessary details, and would strip the subordinate governments of all authority and credit, reducing them below the level of the members of the Supreme Council. It seemed to him, also, that the projected new plan of education for the writers would require more examination and discussion than could now be given to it. It would be better, both with a view to economy and the efficiency of the service, if there must be a separate college, that it should be at either Oxford or Cambridge, and that the young men, after having resided in the University a certain time, should be chosen into this college for their merits, and there complete their studies. He concurred in the argument which the hon. and learned Member so powerfully employed in answer to the childish objection, that persons were not better fitted to fill the situation of writers in India in consequence of knowing Latin and Greek. The same objection might apply to almost all professions. The acquirement of these languages was not so much valued on account of the knowledge which the young men thereby obtained, as because it afforded an evidence of proficiency in the art of learning. If a young man gave a decided proof of his power of learning Greek and Latin, it was reasonable to infer, that he would easily acquire a knowledge of Persian and Sanscrit. By the late liberal establishment of a Sanscrit professorship and scholarships at Oxford, facilities and encouragements hitherto unknown, were provided for oriental studies. Lectures on general jurisprudence, also, might be attended with advantage, not only by those destined for the Indian service, but by every young man, whatever be his profession. But, above all things, it was of the greatest importance to give the young men, intended for the India service, English notions. The superiority of England over other countries was attributable, among other causes, to the system of public education, by which men of different rank and station, intended for the various professions, were mixed together; by which means illiberal prejudices against particular professions were prevented, and friendships were formed between those in the most opposite lines of life. The effect of exclusive education was to make those who were its object consider themselves superior to the rest of the world, and believe every profession but their own corrupt and vicious. Public education corrected prejudices, and taught men, that every lawyer was not dishonest, nor every ecclesiastic a hypocrite, nor

every soldier a profligate. Nor was the separate and distinct education at Hayleybury in any respect required for the acquisition of the knowledge necessary for the civil servants of the East-India Company. In the year 1826 there was a greater demand for writers in India than Hayleybury college could supply; and he, in consequence, brought forward an Act, enabling young men who, on examination, should appear qualified, to proceed to India without passing through that establishment. One of those who took the benefit of this enactment, was Mr. Martin Blake, a gentleman not previously intended for India, but who had just taken his degree at Trinity college, Dublin. He commenced and followed up his Oriental studies during his passage to India with so much success, that, at the end of the first year, in the college of Calcutta, he ranked decidedly above all the other writers of the year, although they had had the benefit of much instruction at Hayleybury. He wished in no respect to depreciate the reputation of the instructors at that college; the defects belonged not to them, but to the original system of that institution. He had great objections to the local situation of the college, and when the young men went from Hayleybury to Hertford, or up to London, they were freed from all control. He had conversed on this subject with persons educated at Hayleybury, and he was satisfied, that it was highly desirable to remove the establishment. That, however, was a question which might, with great advantage, be postponed till another Session. The regulation respecting the army was another matter which might be postponed. He had always thought, that the officers of the Indian army did not possess their fair share of patronage, and some regulations should be made to entitle their sons to a preference. It would undoubtedly be inexpedient to render the Indian military service wholly hereditary; but it would be desirable, that some portion of the cadetships should be assigned distinctly as a reward of merit to the sons of those who had fought and bled in the service of the Company. In conclusion, the right hon. Gentleman expressed his intention to reserve further observations on the subject till a future stage of the measure.

Mr. *Andrew Johnston* hoped, that the President of the Board of Control would give that pre-eminence to the Presbyterian Church, which its importance required in any system of religious instruction for India.

Mr. *O'Connell*, after eulogizing in very warm terms the speech of the hon. and learned member for Leeds, as one combining with the most statesmanlike views, the most enlarged and enlightened principles of legislation with regard to our Indian possessions, proceeded to say that, while he approved generally of the measure brought forward by Government, he must enter his protest against some of the details of it. He protested against the giving a further twenty years' lease of India to the East-India Company. He also thought that the pecuniary bargain which the Company had got was an extremely hard one for this country. Why, he would ask, should so distant a period as 1854 be fixed as the one when the people of this country would be entirely disembarrassed from the control and monopoly of that Company? The monopoly which they possessed in salt and opium ought immediately to cease with the passing of this Bill. He trusted, that several of the objectionable details of the measure would be remedied in Committee. It was to be regretted that there was nothing in the Bill to correct the abuses incidental to the existing system of titles to landed property in India; on the contrary, the present measure went to continue those exactions which had been hitherto levied on the occupiers of land in India, and which so materially interfered with the enterprise of the inhabitants, and with the improved cultivation of the soil in that country. They might depend upon it that they never would effect substantial good for India until they erected the occupiers of the soil into real proprietors, instead of being as they now were mere tenants-at-will.

Mr. *Todd* was understood to disapprove of the clause for the abolition of slavery in India, it being unaccompanied with that which the inhabitants of India had a right to claim—namely, an equalization of the duties upon their native products. He must also object to the proposed mode of dealing with Hayleybury College, and he thought that the best thing would be to get rid of the college altogether.

Mr. *Robert Wallace* begged to express his unqualified approbation of the measure which had been brought forward by his Majesty's Government. The general satis-

faction felt at the measure, was the reason why so few Members attended, for none thought either of attacking or defending it.

Mr. *Ewart* said, that he also felt it his duty, as the representative of a great commercial constituency, to express the great satisfaction which the general tenor of this measure had afforded him. He agreed, however, with the hon. Gentleman opposite, that if they abolished slavery in India, they should give to the people of India an equalization of duties with those imposed upon the rest of their fellow-subjects, and that they should receive from them the natural products of their soil (sugar and coffee) upon the same terms that such productions were imported from other quarters of the globe. He concurred with the hon. member for Dublin in thinking that the bargain which had been driven by the East-India Company with the Government had been too hard a one for the public. He regretted that the monopoly of salt was not to be abolished. Within the last three years his constituents had exported 340,000 tons of that commodity, which proved how injurious the monopoly of such an article by the East-India Company must be to the people of India in enhancing its price, and how necessary it was to give them the benefit of a free trade in it.

Mr. *Charles Grant*, in replying, said, he would advert very briefly to some of the suggestions which had been offered in the course of this debate. Before doing so, he must first embrace the opportunity of expressing not what he felt, for language could not express it, but of making an attempt to convey to the House his sympathy with it in its admiration of the speech of his hon. and learned friend, the member for Leeds—a speech which, he would venture to assert, had never been exceeded within those walls, for the development of statesmanlike policy and practical good sense. It exhibited all that was noble in oratory, all that was sublime, he had almost said, in poetry—all that was truly great, exalted, and virtuous in human nature. If the House at large felt a deep interest in this magnificent display, it might judge of what were his emotions when he perceived, in the hands of his hon. friend the great principles he had propounded to the House, glowing with fresh colours, and arrayed in all the beauty of truth. He must also express his satisfaction, and the satisfaction of his Majesty's Government, that the measure had met with the approbation of the House. He owed his thanks to many hon. Members, who, in expressing their opinions on the measure, had done so with the utmost liberality and indulgence, and it was a source of no small gratification to his Majesty's Government, that, as regarded the general leading principles of the measure, the House acquiesced in and approved of it. Observations had been made applying to many of the details of the Bill, into which he should not now enter, as a more fitting opportunity would arise for discussing them in Committee. If one circumstance more than another could give him satisfaction it was, that the main principle of this Bill, had received the approbation of the House, and that the House was now legislating for India, and the people of India on the great and just principle, that in doing so the interests of the people of India should be principally consulted, and that all other interests of wealth, of commerce, and of revenue, should be as nothing compared with the paramount obligation imposed upon the Legislature of promoting the welfare and prosperity of that great empire, which Providence had placed in our hands. His right hon. friend (Mr. Wynn) had objected that there was a deficiency of Indian revenue to the extent of 800,000*l*. He had stated, on a former occasion, that in 1834 he expected there would be a surplus of 198,000*l*. But he could make out, did not the lateness of the hour prevent him, that when all the arrangements were completed, and the assets were realized, there would be a surplus of between 300,000*l*. and 400,000*l*. Of the two great principles, the creation of a fourth presidency, and the arming the Governor General with extraordinary powers, neither was new. From the year 1808, to the latest period, the ablest servants of the Company, in a succession of documents, had shown the necessity of a new power in the upper provinces, which, from its character and climate, and the high-toned spirit of its inhabitants, required a peculiar protection. The state of these provinces had been disgraceful to the government of the country. For a considerable period the high spirit of the people had been depressed, their ancient institutions had been violated, there had been no sufficient control, and it was

generally felt that this state of things resulted, not from any defect on the part of the Governor General, but from the want of local inspection, owing to the distance of the provinces, from the seat of Government. The circumstance of their being about to admit British-born subjects into the interior of India, was an additional argument for this change, and for the giving additional powers to the Governor General. The western provinces constituted that part of India where the presence of Europeans was peculiarly needed; but unless the government on the spot was armed with power to protect the natives, he could not conceive the possibility of admitting Europeans there. The arming the Governor General with additional powers of control and legislation connected itself, therefore, with the present crisis. It was objected, however, that, by making the Governor General supreme, there would be a unity which would tend to systematic uniformity. But he did not perceive why unity should produce a system of uniformity, which, he admitted, was objectionable; he required only uniformity of design and policy. The present change gave to the Governor General a machinery, but he must have power to put that machinery in motion; and that was his reason for giving him an addition to his council. He conceived that it was necessary to retain the power of deportation. Convinced as he was of the necessity of admitting Europeans to India, he would not consent to remove a single restriction on their admission, unless it was consistent with the interest of the natives. Provide for their protection and then throw open wide the doors of those magnificent regions, and admit British subjects there—not as aliens, not as culprits, but as friends. In spite of the differences between the two people, in spite of the difference of their religions, there was a sympathy which he was persuaded would unite them, and he looked forward with hope and eagerness to the rich harvest of blessings which he trusted would flow from the present measure.

Mr. *Cutlar Fergusson*, in assenting to the second reading, desired to say, that he considered himself, with respect to the details of the Bill, perfectly unfettered. There could, he thought, be no objection to the erection of a fourth presidency; but with regard to the additional powers to be given to the Governor General, there might be some danger, lest the salutary power of the other Presidencies should be weakened by it.

The Bill read a second time.

HOUSE OF LORDS,
Thursday, July 11, 1833.

MINUTES.] Papers ordered. On the Motion of the Earl of WICKLOW, the Amount of the Income of each Bishopric in Ireland.

Bills. Read a second time:—Parochial Rates Exemption; Highland Roads and Bridges; Court of Chancery Regulation; Royal Artillery Pensions.—Read a third time:—Woollen Trade.

Petitions presented. By Lord CARBERY, from Cork, and by Lord BATHURST, from the University of Oxford, against the Irish Church Temporalities Bill.—By the Earl of HARROWBY, from the Clergy of Staffordshire to the same effect.

CHURCH TEMPORALITIES (IRELAND.)] The Archbishop of *Canterbury* presented a Petition from the Archdeacon and clergy of the diocese of Limerick, against the Irish Church Reform Bill; and a similar Petition from the clergy of the diocese of Armagh. At the head of the signatures to the latter petition was that of the Archbishop of Armagh. He was anxious to call their Lordships' attention to this petition, because a rumour had gone forth, that the right reverend Prelate, had taken an active part in the changes to be made in the temporalities of the Irish Church, and because some of the clauses of the Bill upon that subject had been ascribed to him. He could state, were it necessary, the manner in which that most reverend Prelate had met the propositions of his Majesty's Government, and what were the concessions and sacrifices which, under the difficulties and dangers which surrounded the Irish branch of the Church, he and the clergymen, who signed the petition, thought might safely and reasonably be made. But, conscious of his inability to state their sentiments so clearly and forcibly, so correctly and so eloquently, as was done in the petition, he should read a few passages, from which it would appear, how far the most reverend Prelate alluded to, and the rest of the petitioners, agreed with the provisions of the Bill, and in what respect they disapproved of them. The most reverend Prelate read the petition, which stated, that the petitioners would not oppose a consolidation of a certain number of bishoprics, the revenues of which should be applied to diminish the tax upon the clergy; but implored their Lordships not to reduce them to the extent contemplated

by the Bill. They prayed the House not to suspend the appointment of incumbents in parishes where divine service had not been performed for three years. To the sentiments of the petitioners he gave his most unqualified approbation, as he did to the moderation and piety shown by them, in their desire to correct the abuses of the Church, and to adopt such improvements as they thought consistent with the existence of the pure Christian faith.

Petition to lie on the Table.

The Duke of *Wellington*, in presenting two Petitions from the clergy of the diocese of Clogher, and from the diocese of Cloyne, against the Church Temporalities' (Ireland) Bill, said, that although he should have another opportunity of stating his opinion of that Bill, still he could not present that petition without stating, that he considered it utterly inconsistent with the policy of the country since the period of the Reformation; but more especially that it was inconsistent with the policy of the country since the Revolution. Since the period of the Revolution, it had been the uniform object of the Parliament to maintain the Protestant Established Church in Ireland, in all its integrity. That object was clearly shown in latter times—in the repeal of the Test and Corporation Acts in 1828, and to that greater measure which was introduced the year following—the measure of Catholic Emancipation. In both of those measures it was easily to be seen, that the first object of Parliament was to maintain, as far as possible, the Protestant religion in Ireland as established at the Union. Yet now a measure of reform in that Church was proposed to them, which was contrary to all former policy, and which, he would maintain, was the necessary consequence of the measure of last year—a measure which he could not cease to deplore. At the period of the Union, the Protestant inhabitants of Ireland had been told, that they were then a minority in a country, in which the majority of the people was of a different religion; but that, by consenting to the Union, they would become a part of the majority, and would acquire some advantages, of which they had been deprived from the period of the Reformation till that time. But how was this Bill consistent with that declaration, and with the Act of Union itself, which declared that the Churches of the two countries were united? If he thought it necessary to refer to further evidence, that this Bill was contrary to the policy of the country, he might add, that it was impossible to maintain the Coronation Oath in its integrity, if that Bill received the Royal assent. His Majesty positively swears at his Coronation, that he will maintain inviolate all the principles and Temporalities of the Church of England, and no one would deny, that the property of the Church was vested in the Church; and, therefore, that the Bill before the House, was diametrically opposed to the very spirit of that Oath. He could not draw a distinction between the Legislative and Executive capacity of his Majesty. He thought, that an oath was as binding in the one as the other; and he would defy any man to show that his Majesty could, by any possibility, give his assent to that Bill, or any one containing such provisions. He would ask the House, whether the King's consent to the introduction of such a Bill as this, was a Legislative or an Executive act? In his opinion, it was an act of his Executive power. He had before stated several reasons to justify the assertion, that this measure was altogether opposed to the policy hitherto pursued by this country. That oath was another evidence that such was the policy of the country at the time it was framed, and that policy ought never to be departed from.

Earl *Grey* said, their Lordships would certainly have, as the noble Duke had stated, a more convenient and suitable opportunity for discussing both the principle and the details of the measure, against which the petitions were directed, than was afforded by the presentation of them; and he must regret that his Grace did not think it right and proper to postpone till then those observations which he had deemed it proper to make. Feeling that this was not a convenient opportunity for discussing the question, he should be disposed to pass over what the noble Duke had said, but he thought that such a course would not be consistent with that duty, which called on him to vindicate this measure, from what he conceived to be the erroneous description given of it. He could not refrain from offering one or two observations on what had fallen from the noble Duke. The noble Duke had stated, that this was a measure inconsistent with the policy which had been pursued by this country from the Reformation, and more particularly inconsistent with the policy pursued from

the Revolution to the present time; and then, having given this character to the measure, the noble Duke objected to it *in toto*, not only to its provisions and details, but also to its principle. The noble Duke, it appeared, was prepared to oppose it on the second reading, on its principle, as inconsistent with the policy which his Majesty's Government had uniformly pursued. It was not for him to find fault with the view which the noble Duke took of this subject. The noble Duke would, undoubtedly, act on his opinion, but he might be allowed to state and to contend—to state then, and to contend hereafter—that this Bill was not inconsistent with the policy which this Government had uniformly adopted—namely, that of maintaining, from a strong sense of duty, the Protestant establishment. When the Bill came under discussion, he should be prepared to show, that it was founded on a sincere and honest attachment to the Church of England and Ireland, united as they were by law; he should be prepared to show that it was intended to strengthen and support that Church; that it did not at all deserve the character which had been given to it; and that, if it were carried into a law, it would be found not inconsistent with, but eminently conducive to, the best interests of the Protestant Church. He had heard, in some respects with surprise, the petition recently presented from the Lord Primate of Ireland, and other distinguished members of the Protestant Church—he had heard it also with very great pleasure, on account of the tone of moderation in which that petition was framed, and which well deserved the praise which had been given to it by the most reverend Prelate. That petition, so far from taking the general view which the noble Duke had done, as to the policy of the measure, seemed to allow, if he were not mistaken, that the principle of the Bill might be admitted, and that the objections were principally directed against its provisions and details. He stated, therefore —and he could state with confidence—that when this Bill came to be examined, it would appear not to be a measure of spoliation, as a noble Duke opposite (Buckingham) had designated it on a former evening. It would take nothing from the Church, and it proceeded on a principle which he maintained would be found useful and advantageous to the Church. It was not, he repeated, a Bill of spoliation, nor was it opposed to the policy of the country, nor did it in any manner militate against that duty, the obligation of which they all acknowledged—that of supporting the Protestant Church. On the contrary, the Bill had been carefully framed, with a view to the removal of those defects, which the enemies of the Church continually pointed at, as proofs that the Church ought not to be preserved. He should say no more on this general ground, but he should be ready, at the proper time, to meet the noble Duke's objections, and defend the principle of the measure; and he trusted that the measure would be discussed calmly and dispassionately—without any mixture of angry or party feeling—without acrimony, without animosity. Such feelings, though never to be indulged in, should be most especially avoided in considering a measure of such an important nature. He would say nothing more—but content himself with saying, that he should not have thought of proposing the measure to their Lordships, if it were not consistent with the duties which he, as a sincere member of the Church, owed to that establishment. He was surprised to hear what had fallen from the noble Duke on the subject of the Coronation Oath. He recollected when that objection was urged quite as strongly and as vehemently against the measure which was introduced by the noble Duke for the relief of the Roman Catholics, as the noble Duke himself now urged it. He remembered, in supporting that measure, that he argued this question, and he thought at the time, that he argued it with the concurrence of the noble Duke. If the argument derived from the Coronation Oath was inapplicable, as the noble Duke must have felt it to be, looking to the principle on which the Catholic Bill was passed, the argument founded on it was, if possible, still more untenable now. [" *No, no!" from the Duke of Cumberland.*] He trusted that the illustrious Duke would have the decency not to interrupt him. The noble Duke had a right to maintain his opinion: he might, if he pleased, rise and defend it; but, because he had an opinion, he was not justified in interrupting those who differed from him.

Lord *Kenyon* rose to order He appealed to their Lordships, whether the dissent expressed by using the word "no," deserved the character of indecency the noble Earl had ascribed to it?

Earl *Grey* certainly did conceive, that the sort of interruption which he had received was indecent. He should still contend, as he had contended at the time to which he had referred, that the Coronation Oath did not prevent his present Majesty from giving his assent to this measure, more than it had operated to prevent his late Majesty from giving his assent to the Catholic Relief Bill. He did not understand what the noble Duke meant in saying, that when his Majesty gave his consent to any measure which passed the other two branches of the Legislature, it was in his executive capacity. ["*No, no.*"] If he had misunderstood the noble Duke, he would say no more on that point. He should be sorry if their Lordships went away under the erroneous impression that this measure was inconsistent with that policy, which called on the Government to support the Protestant Religion and the Protestant Church.

The Duke of *Cumberland* believed that there was no man in that House who would more unwillingly commit an act of indecency than himself; but if a noble Lord were not to be allowed to call "No, no!" when he felt inclined to dissent from a proposition, there would be an end to all liberty of speech. He felt rather surprised, that the noble Earl should have made use of such an expression.

The Duke of *Wellington* explained that he meant, that when the King sent down a message to the House, he then acted in his executive capacity; but when he gave his consent to a Bill which had passed both Houses of Parliament, he acted in his legislative capacity. The noble Earl had referred to a measure formerly brought in by him (the Duke of Wellington). He had certainly been guilty of recommending to his Majesty to give his consent, in his executive capacity, to that measure; but he would not wait at that time to discuss the point, whether it was or was not contrary to the Coronation Oath. He would, however, venture the opinion, that the Irish Church Bill was contrary to the policy of the country and to the Coronation Oath.

The Duke of *Buckingham* said, that as allusion had been made to an observation of his on a former night, when he designated the Bill as a measure of spoliation, he repeated, that he did consider this Bill to be a measure of spoliation, and, as such, he would resist it on principle. When the noble Earl said, that the Bill took nothing from the Church, he would request the noble Lord to be so good as to consider what would be the situation of the Church when the Bill relieved the community from the payment of that which they were now obliged to contribute, and imposed the burthen on the Church, which did not at present pay it. He should also ask, whether the annihilating a certain number of Bishops was not a measure that greatly affected the Church?

Earl *Grey:* When they came to the discussion of the details of the measure, it would be proved whether it were one of spoliation or not. He thought it would be better to have the Bill read a second time on Monday next. He should not oppose some short delay, but he should be glad if the noble Lord would appoint a day. He begged, then, in reference to what had formerly been said, to announce to the House, that he was authorised to declare his Majesty's formal consent, that their Lordships should entertain and discuss the measure.

Petition laid on the Table.

THELLUSSON'S ESTATE.] On the Order of the Day being moved for resuming the Debate on the Motion, that the Standing Orders be suspended to allow the Thellusson Estate Bill to be brought in,

The Earl of *Eldon* presented a petition from ten of the trustees under the will of the late Mr. Thellusson. The petition entered into a detailed account of the receipts and disbursements under the will, and the petitioners prayed their Lordships not to pass any Bill on the subject without in the first instance having the opinion of the Judges of the land. The petitioners, his Lordship observed, felt, that they could not discharge themselves from the charge that had been imposed upon them, and they found, upon taking legal advice, that they were bound to support the will.

Lord *Segrave* asked whether the noble Lord was satisfied as to the state of mind of one of the petitioners. He had been informed, that the gentleman to whom he alluded was in a state of extreme mental and bodily infirmity, and had for years been incapable of doing any business.

Lord *Lyndhurst* said, from what he

knew on the subject he could only consider this as the petition of one of the trustees, Sir Charles Flint. He had, however, received a letter from the other trustees, in which they expressed an anxious hope that he should bring the matter before the House of Lords. The whole of the surviving grandsons of the late Mr. Thellusson, Lord Rendlesham, Mr. Henry Thellusson, &c., were favourable to the introduction of a Bill. A letter had been received by a noble Lord, who was then present, from Mr. Frederick Thellusson, who was now at Florence, which he would read to their Lordships. It was dated the 8th of June, 1833, and stated, that the writer had just received a letter informing him that Lord Lyndhurst had moved, with the approbation of the Lord Chancellor, for a number of returns relative to the Thellusson Estates, and he understood, that it was intended to bring in a Bill by which the family, and not the lawyers and the trustees, would be benefitted by the rental. He begged of his noble friend to support that Bill, and to use his interest with his friends in the House of Lords to do the same. A Bill of the nature of that which he wished to introduce had the concurrence of every adult member of the Thellusson family; and therefore he should move, that the Standing Orders for the purposes of this Bill be suspended.

The Earl of *Shaftesbury* said, that the rule in all such cases as the present was, that the opinion of the Judges should be taken on the petition for the private Bill, and he, in the present instance, saw no reason why that course should not be followed.

Lord *Lyndhurst* said, that he had understood from what had transpired upon a former occasion, that if he presented a petition from all the members of the family, he (Lord Lyndhurst) should have done all that he was expected to do. He knew not what the contents of the petition which had been presented against the Bill were, but he was well aware, from the returns from the Court of Chancery which had been made, and which he now held in his hand—returns made by the officers of the Court—by Mr. Roupell, the master in whose office the estate was managed—from Mr. Adam, the Accountant General, and from Mr. Raynsford, the master of the Report office, that all these returns and statements corresponded with the facts he had stated on a former occasion. The result of those returns was, that on an estate of 24,000*l.* a-year, 14,000*l.* per annum was spent for its management. Nay, the mere passing of the accounts of the trustees in the Masters' office amounted annually to 400*l.*, though passed, as it would appear, by the Master's clerk in one day—nay, within two or three hours. The object of the present Bill was, to put the whole estate in a different position; for to use the language of Mr. Frederick Thellusson in the petition which had been presented, the receipts went to lawyers, which in fact ought to go into the pockets of the family. In such a feeling he was sure their Lordships would agree. He had omitted on a former occasion to call the attention of the House to the expenses incurred in keeping up the establishment of the Brodsworth mansion. Under the will of the testator the trustees were directed to sell off all his personal estate, furniture, pictures, and wines, except what might be necessary for the accommodation of the trustees, during their visits for the management of the estate. Under such a testamentary direction it could not but be understood, that it was the will of the testator that the bulk of the property should be disposed of; but what would their Lordships think when he stated that, notwithstanding such a testamentary provision, not one stick of furniture, nor a bottle of wine from the cellars, had been sold? The House would be still more surprised to learn that no less than 5,000*l.* had been obtained from the Court of Chancery for the purchase even of additional furniture. It was true that it was provided, that the mansion should be kept in repair, and, more than this, the testator had provided that proper accommodat ons should be in readiness for the trustees when the management of the estate made their presence necessary. But their Lordships must be surprised to learn that the mansion was occupied three months in the year by Sir Charles Flint, one of the trustees, and that the establishment consisted of a house-steward, a housekeeper, and three housemaids, for but one trustee. In addition to these there was a gardener, under-gardener, and two women, or boys, to work in the garden, and, though the manor might have been most advantageously let, two game-keepers were employed. In addition to this, 20*l.* a-week was provided under the will for household

expenses for a term not exceeding twelve weeks in the year, independent of all other outlays. When he had the honour to sit upon the Woolsack, he had felt it his duty, on a Motion being brought before him, to direct a reference to the master, with a view to curtail what he considered an extravagant expenditure. Under all the circumstances of the present case, he was of opinion, that their Lordships were not only justified, but it was their duty, to interfere in such a way as would prevent the present management of the property being continued.

The Earl of *Eldon* expressed his sorrow, that the suspension of the Standing Orders, which had been for so long established and acted upon, should still be insisted on; and the more so, inasmuch as the present case was one of such vast magnitude. He should feel it his duty to oppose the Motion.

The Marquess *Conyngham* supported the Motion, for he could not think it would be a dangerous experiment to rescind the Standing Orders in so singular and peculiar a case.

The Earl of *Harrowby* said, that the usual practice had been, even on a question on which all parties were agreed, to refer a question of this importance to the consideration of the Judges; and in the present state of this question he must vote against a suspension of the Standing Orders.

The Earl of *Wicklow* said, that he had heard no tangible reason assigned against the suspension of the Standing Orders. The only one was, that the Judges should be consulted, and as it happened, that they were now about to embark on their respective circuits, the Bill must be lost, if the Motion was negatived, for this Session. If the want of such a reference was to be made an objection to the Motion, he should say, refer the question to the Judges on the home circuit, and all objects would be attained.

The Duke of *Buckingham* thought that even if the misconduct of the trustees under this will had been proved, it was no reason why the Standing Orders should be suspended. The proper channel of complaint was the Court of Chancery, and that was the course to be pursued in this instance.

The Earl of *Suffolk* said, that too much had been stated of what had been done in the Court of Chancery to induce the House to consent to a reference of this matter to that tribunal again, notwithstanding the suggestion thrown out by the noble Duke who had spoken last. He must say, that the orders of the House had been suspended on former occasions—nay grave occasions—and he could not see why they should not be dispensed with under the present unprecedented circumstances.

The Earl of *Shaftesbury* repeated, that the petition ought to be first referred to the Judges, and that then their Lordships might dispose of it as to them should seem fit.

The Marquess of *Londonderry* thought that sufficient grounds had been stated to induce the House to consent to the suspension, in this instance, of the Standing Orders. That they should be dispensed with on this occasion was his most decided opinion.

The Earl of *Mansfield* said, he had heard no reason assigned which would induce him to consent to the suspension of the Standing Orders. If the Standing Orders had been suspended on former occasions, it must have been when good reasons were assigned, and he must say, that none such had been suggested on the present occasion. There might be some reason, he admitted, for the suspension of the first order, but certainly none for the second order, to which allusion had been made.

The House divided on the Question that the Standing Orders should be suspended—Content 57; Not-content 13: Majority 44:

The Bill brought in and read a first time.

HOUSE OF COMMONS,
Thursday, July 11, 1833.

MINUTES.] Paper ordered. On the Motion of Mr. DILWYN, an Account of the Expenses paid or to be paid by the Treasury for certain Committees of the House of Commons.

Bill. Read a third time:—Assessed Taxes Composition.

Petitions presented. By an HON. MEMBER, from the Gaol Officers of Omagh, for such Privileges as Prison Officers in England enjoy with regard to Superannuation Allowances.

GRAND JURIES (IRELAND).] On the Motion of Mr. Littleton, the Order of the Day for the further consideration of the Report on this Bill was read, and it was ordered to be re-committed.

On the Question, that the Speaker leave the Chair,

Colonel *Conolly* said, that he had hoped that the unanimous wishes of the Irish Members which had been so unequivocally expressed, would have induced his Majesty's Government to have delayed the further progress of the measure for the present Session. The Bill was really so crude, that if persisted in, the country would have all the inconvenience of a change, without any of the benefits of an improvement. He believed, that all the Irish Members who were in the Committee were most anxious that the measure should not be persevered in; and he therefore hoped, that his Majesty's Government would show some deference to the opinion of those gentlemen, whose local knowledge certainly entitled their opinion to respect and consideration. He also trusted, that his Majesty's Ministers would give the Irish Members credit for not wishing to impede their views, and for being anxious to lend their assistance to the introduction of a better measure in the course of next Session. These continual changes in the Grand Jury laws of Ireland operated most prejudicially, and though he (Colonel Conolly) did not object to a change in the present law, any alteration now made should be permanent. The present measure was partial in its operations, impracticable in its details, and left the root of the evil untouched. He hoped that though he differed on many subjects with his Majesty's Ministers, they would notwithstanding give him credit for being solely actuated in his opposition to the Bill then under consideration, by a wish to forward a better digested measure than that before the House. He thanked the noble Lord (Lord Duncannon) for the exertions he had used to accomplish a good purpose, but he would ask him, whether he thought that such a chaos as the present Bill had not greater claims to novelty than utility; and whether, supposing such a measure to be passed, he considered it likely to give satisfaction to the people of Ireland?

Mr. *Ruthven* disclaimed the idea that the speech of the hon. Member who had just sat down was to be taken as the sentiments of the people of Ireland, or their Representatives, the Irish Members. He hoped the noble Lord opposite would afford Ireland the benefit of a full consideration of the Bill this Session, despite the suggestion of that hon. Member; and also, that even at that late stage, he would not refuse to receive and adopt any useful suggestions which it would be wise to incorporate with the Bill. The Grand Jury Law, as it stood at present in Ireland, was the fertile parent of innumerable hardships and of much misery, and the sooner even any of them could be got rid of the better. Though the present Bill had a great many objectionable parts, it was better than the existing system. It had also some very good parts; and if he were called upon to particularize one above another, he would point out the abolition of the unchristian and impolitic practice of multiplying oaths.

Lord *Duncannon* said, he thought it would be highly improper in him to withdraw the Bill, after it had been so long before the House. It was before the House last Session, and was then printed and sent to Ireland, and soon after the commencement of this Session it was again introduced by his right hon. friend present, the Colonial Secretary. It had also been two months before the Committee, and had had as much discussion as any Bill that was ever introduced. He would detail a few of the alterations which the Bill would effect; it would associate those who paid the taxes with the Judges of the petty Sessions, and thereby give them an interest in all works to be performed; it would, by the appointment of surveyors in each county in Ireland, give to those who paid the rates an assurance, that the money raised was not more than requisite; by compelling all public works to be done by contract and open tender, it would assure the tax-payer that such works were performed at the lowest expense. One of the great complaints against the present system was, that all the business of the country was done by the Grand Jury, with closed doors; but the present Bill would compel the Grand Jury to act in open Court, and in the presence of the public. He thought the Bill would effect a very great improvement on the present system. He did not say, that some of the clauses might not be capable of yet further improvement, and if so, such alterations as might be necessary could be made in the Committee.

Sir *Edmund Hayes* said, the argument of the noble Lord, that the Bill, having now been so long before the public ought to be persevered in, appeared to be of very

little value; for if that part of the public principally interested in the measure looked upon it with dissatisfaction, the very fact of their disapproving of it, after having had so much time to examine its provisions, afforded a strong reason for believing that it would not be beneficial. The hon. member for Dublin (Mr. Ruthven) was extremely sensitive on behalf of the Committee; and thought their labours would not meet with due consideration, if this Bill should be abandoned. But the hon. Member forgot that the unanimity of the Committee upon the impracticability of the measure was a strong reason for postponing it. They introduced some alterations and improvements; but they gave it as their opinion, that the framework of the Bill was such as to render it incapable of practical operation. It was a great mistake to suppose, that those Members who urged the Ministers to delay the final adjustment of this question until the next Session did so for the purpose of adhering to the old system; they considered a change necessary; but even those who had been most loud in their complaints in Ireland, agreed that the Bill now before the House was not a practical improvement, as it left untouched some of the evils most complained of, and substituted a complicated and cumbrous machinery for the evils which it professed to remedy. No change in the Grand Jury system could be satisfactory, which did not include an Amendment of the compulsory assessment. At present a moiety of the taxation of the country was imposed without the control, and independent of the wishes, and perhaps the wants, of those who pay it. Presentments for public buildings, and other objects, were now sent down by the Government to the Grand Jury; and, whether the Grand Jury adopted or rejected them, they received the fiat of the Judge. Not only could the Grand Jury exercise no control over them, but they had all the odium of imposing taxes in which they had no concern whatever. No measure would be satisfactory to him which did not make some alteration in this system. He would therefore suggest to the noble Lord the propriety of withdrawing the Bill. In the next Session of Parliament the Committee might be re-appointed to report generally upon the laws now in existence with a view to bring in a Bill founded upon such a Report. He could assure the House, that he made this proposal simply for the purpose of procuring a measure likely to be permanent and give satisfaction to those most interested. If the noble Lord would not consent to the postponement, he should feel it to be his duty to take the sense of the House, and would move, "that this Bill be further taken into consideration this day six months."

Mr. *O'Connell* said, he would, for various reasons—some of which he would state—support the Amendment of the hon. Member who had just sat down. The opposition to this Bill was obviously not founded upon any party feeling; for Irish Members who differed upon other matters, had agreed in opposing this Bill. His first objection to this Bill was, that it left the compulsory assessment on the counties of Ireland. In this way the Grand Juries of Ireland discharged the highest and most important function of Parliament, without any parliamentary responsibility. These Grand Juries, which were wholly irresponsible, had the power of putting their hands into the pockets of the people, and over the money thus taken from them they had no sort of control. The consequence of thus putting the Grand Juries in the condition of the oppressors of the people, was, that great dissatisfaction was felt against the gentry of whom they were composed. The moral effect of this was very bad, and the unconstitutional principle it involved was equally objectionable. He (Mr. O'Connell) proposed that the further consideration of this measure should be postponed in order to get rid of this power of the Grand Juries *in toto*. They did not want Grand Juries for such a purpose. The public works, for which the compulsory assessments were made, should be undertaken by the Parliament, after they had been freely discussed and determined upon. If public works were necessary, they should be so carried on as not to tarnish the names or the character of the Grand Juries. It should be seen, too, how much of the cost of these works ought to be borne by the public purse, and how much by the agriculturists; for it was upon the latter body the expense would now be thrown; and whatever opinion might be entertained of the distress or prosperity of other interests, the Committee on Agriculture had had sufficient proofs of the distress of the agriculturists of Ireland. Again, there was another

principle laid down in the Bill, an excellent principle, but encumbered by so many provisions, that it would be impossible to work it; and therefore it would be necessary to postpone the measure, in order to make such alterations and modifications as would ensure that admirable principle being brought into fair play. The principle he referred to was, that presentments should no longer be given to favourites of the Grand Jury. No one could defend the present system, by which the favourites of the Grand Jury were fattened. He, himself, knew two families who had made fortunes, and purchased estates out of their jobs in road-making, though the roads they made were now not to be distinguished from the surrounding bogs. The Bill proposed to make the contracts open, and to make the lowest tender for the work. But how would that principle work? Why, not at all, for there were such a number of tedious and vexatious conditions to be complied with, that no man could possibly submit to them with the uncertainty of obtaining the presentment after all. A man would submit now to go through them, because as the favourite of the Grand Jury, he was sure to get the presentment as his reward; but when this was rendered uncertain by making the contracts open, and taking the lowest tender, no man would submit to this trouble and expense as a preliminary to his obtaining the work. He wished, that this part of the Bill should be better considered and simplified, so as to render the good principle capable of working. Again, this Bill treated with contempt the great constitutional principle, that no man shall be taxed without his own consent. If a man in the street set this principle at defiance, and put his hand into the pocket of another, he was sent to the Old Bailey for his reward; but if he should do it under the form of law, he would prosper by it. So it had been and still was in Ireland. Grand Juries should, in his opinion, be elected by the cess-payer. Again, it was a complete delusion to say that tenants from year to year should not pay the cess. If they did not, what would be the consequence? Why they would get notice to quit, and thus this very Act of Parliament would operate in increasing the uncertainty of tenure in Ireland, which was the great cause of all the evils and disturbances in that country. Families could subsist only by having land, and the more the tenure was made uncertain, the greater would be the mischief. The Secretary for Ireland would, no doubt, in the vacation, spend a great deal of his time in Ireland, and he would then, with the assistance of a noble Lord (Duncannon), who patronized the Bill, and whose assistance would be invaluable, have the advantage of making himself master of all the facts; and be able, next Session, to bring forward a Bill which should be complete and efficacious. He certainly should not consider any Bill efficacious that did not separate the compulsory principle from the principle of real taxation; and, in the next place, that did not introduce—not by disguise—not in a kind of collateral view—but directly, emphatically, and practically, the principle of representation going with taxation. On these grounds he should support the principle by delaying the Bill.

Mr. *Thomas Wallace* could not see why the measure should be pressed forward at the present advanced period of the Session. The postponement of the question for one year could add little to the existing evil. He admitted, that the whole system wanted remodelling, but the question was, whether such remodelling should take place in haste, and against the consent of those hon. Members of that House who were most deeply interested in the subject, and who were better acquainted with the effects of the present system, and the change in it proposed by the Bill now before the House, than English Members could be by any possibility. Great difficulties would arise from a hasty arrangement of this most important subject, all of which would be avoided by a postponement until next Session, the propriety of which he would earnestly urge upon his Majesty's Government.

Mr. *Littleton* would not give a peremptory opinion on the subject, but must confess, that he thought the utmost necessity prevailed for the adoption of some new measure. Looking at the present measure with an English eye, it appeared to him to be founded on principles worthy of recognition. The principle of taking the powers from the Grand Jury which they now enjoyed, and the conducting the business in open Court, was a point of such importance, that he thought it expedient, that the House should allow the Bill to go into Committee. In his opinion, the most important part of the Bill was that which

would let in the light of day upon the proceedings of Grand Juries; no course being, in his opinion, better calculated to effect beneficial results than allowing their whole proceedings to be open to the public eye. What points called for improvement might be looked to in Committee, and he trusted, that the Committee would be appointed, in order that the true principles of the Bill might be understood, its merits appreciated, and its errors amended.

Mr. *Sheil* objected to the principle upon which the Bill was founded. There was, notwithstanding the decision of the preliminary Session, an appeal given to the Grand Jury, whose adjudication would under the provisions of this Bill, be final. The Grand Jury was appointed by the Sheriff, upon whom it was made obligatory to select three at least from each barony; and this anomaly would arise, that in the county of Louth there would be only five Grand Jurors so selected, while in the neighbouring county of Meath there would be no less than eighteen out of the twenty-three to constitute the Grand Jury. He contended that, on the principle that those who taxed the people should be elected by the people, the Sheriffs ought to be so chosen, instead of being nominated by the Judges; and unless representation accompanied taxation in this Bill, it would be most injudicious now to proceed with it.

Mr. *Finn* was quite sure, that the Bill had been drawn up with an intention to do good; but he would implore the Government to give time to the Irish Members to consult their constituents, so that they might come to a proper and satisfactory conclusion.

Lord *Ebrington* said, that those who now opposed this Bill had been amongst the loudest and foremost to call for amendment of the Grand Jury Laws of Ireland, and he maintained, that if this Bill did not effect all that some might desire, it did embrace some considerable and important improvements. It did, amongst other valuable improvements, recognize the principle, that in such matters taxation should follow representation, though the principle might not be carried out to the extent required by the hon. and learned Members opposite. There might be objections to the Bill, but he had not expected to hear it objected or intimated, that the Bill was a hasty measure. After all that had passed, and after the condemnation on all hands of the present Grand Jury system of Ireland, he called on the House to allow the Bill to proceed, that it might be seen that the principle of the Bill had the sanction of this House.

Lord *Oxmantown* should oppose proceeding further with the measure, because he considered it in its details to be impracticable. The right hon. Gentleman the Secretary for Ireland had not answered one of the objections to the Bill which had been urged by the hon. and learned member for Dublin. That hon. and learned Gentleman showed distinctly, that the Bill could not work; but to that portion of his speech the right hon. Secretary had not given any reply. The measure came before the House under circumstances of the most extraordinary nature. It was introduced for the purpose of amending the Irish Grand Jury Laws. It was referred to a Committee up stairs, who, after a laborious investigation, agreed unanimously to recommend its withdrawal. But the noble Lord (Lord Duncannon) said, let us now go into Committee and make such alterations in the Bill as will render it a wise and salutary measure. Now he would ask, could the House in Committee do that which was found to be impracticable by a Committee up stairs? It was impossible, even supposing the Bill to be passed, that it could come into operation before next Summer Assizes, and he therefore trusted, that his Majesty's Ministers would consent to its withdrawal. Let them employ competent persons in the mean time, who, by inquiring into the subject, and consulting with those most conversant with the details connected with the system of Grand Jury Law in Ireland, might be prepared early in the next Session with a measure calculated to remedy the abuses which no man doubted had existence. He should hope, that Ministers, seeing, that gentlemen from Ireland of every shade of political opinion, concurred in recommending the withdrawal of the measure for the present, would concede; but if they persisted, he hoped, English Members would not insist on forcing a measure upon Ireland which the great majority of Irish Members reprobated.

Mr. *Henry Grattan* said, when the Bill was first introduced, and its principles explained by the right hon. Gentleman, now Secretary for the Colonies, the hon. and learned member for Dublin expressed his concurrence in them ["*No, no,*"

from Mr. O'Connell.] He understood, that it was so. However, it appeared, that after two months the Select Committee had been unable to come to any conclusion upon the Bill, although they had the working of the present system before them [*Mr. O'Connell* "*no no.*"] He was not a Member of the Committee, but he understood, that the Committee had all possible information before them. He saw no use in delaying the Bill. If any portion of it could be adopted now, it would do great good, particularly that part relating to the appointment of surveyors. Because the Select Committee were blind to the merits of this Bill, he saw no reason why the whole House should be equally dull. Its defects might be remedied in Committee.

Mr. *Perrin* regretted, that the Select Committee on the Bill had not received the advantage it might have received from the advice and experience of the hon. member for Dublin. He did not admit, that the operation of the Bill would lead to any nomination of two or three tenants, as had been described by the hon. member for Dublin. His hon. and learned friend, the member for Dublin objected to the Bill, but why did he not suggest something better? He approved of the principle, which was founded on economy and justice, and so must every man who knew anything of the system of the Grand Jury in Ireland. It separated the fiscal from the judicial duties of the Grand Jurors, and which, in his judgment, was an exceedingly great improvement. These were the principal features in the Bill. He would assist his hon. and learned friend, the member for Dublin, in any practical improvements of the details; but he hoped and trusted, that the Bill would not be thrown out.

Mr. *Fitzgerald* wished, that the Bill should go into Committee, when, if no one else did, he would move as an Amendment, that none but baronial Magistrates should make a cess, and that the people should not be overpowered by the influx of Magistrates from other districts, as was now frequently the case.

Mr. *Lefroy* said, there was one ground on which he should press the postponement of the measure. The right hon. Secretary for Ireland in the course of his observations said, that he could only look upon the measure with an English eye—it was in fact the only one with which the right honourable Gentleman could see at all, he not having had an opportunity of seeing with any other. He hoped, however, that the right hon. Gentleman would be enabled, from his own experience, to introduce a measure upon the subject. There was such a conflict of opinion at present, that if the right hon. Gentleman proceeded with the measure, he would find himself quite perplexed. He trusted, therefore, that upon these grounds the right hon. Gentleman would agree to the postponement.

The House divided on the Amendment —Ayes 45; Noes 78; Majority 33.

The House went into Committee *pro forma*—then resumed. The Committee to sit again.

RUSSIA AND TURKEY.] Mr. *Henry L. Bulwer*, on being called on by the Speaker, said, that before he proceeded with the Motion of which he had given notice, he wished to ask whether any Government existed?*

Lord *Althorp* who had just entered the House and taken his seat, replied, "Here we are."

Mr. *Henry L. Bulwer* said, it did not follow because they were there, that they constituted a Government; but, as he presumed, from the noble Lord's answer, that he must consider them as yet in power, he would proceed with the Motion which he rose to bring forward. He begged in the first instance, to assure the noble Lord, that he made his Motion without any hostility to the Government, since he had never heard one word from the noble Lord in the House which did not do honour to his situation, and because from every opportunity he had had of knowing what the noble Lord had done out of the House, he believed, the conduct of the noble Lord to have been all that could be desired. But whatever confidence he had in Government, he thought that when such great events took place as those which threatened a complete change of the political relations of Europe, it could not be supposed that this country viewed them with indifference, nor that the House was not anxious to be acquainted with the policy of the

* In consequence of the Ministers having been defeated in the House of Lords on the Local Courts' Bill, various rumours had prevailed during the week of changes in the Administration. Hence Mr. Bulwer's question.

Government directing its affairs. What he had to say, he should say in a very few words. In the first place, he did not consider that it was the intention of Russia to take present possession of Turkey. The destinies of nations were not changed by a *coup de main*. He looked upon its conduct merely as a proof and a developement of its plans, and not as their completion. By the Treaty of Adrianople, Russia with the same consummate policy which had ever directed her affairs, showed a generous abnegation of territorial acquisition in Turkey, in order that she might more widely and safely extend her moral power over that country. She made her agents, however, independent of the Turkish authorities, and even assumed the right of naming for a time the Turkish authorities themselves. The Sublime Porte was degraded in the eyes of its subjects, and the prestige which formerly hung around it was gone. This was all that Russia wanted. A government that depreciates itself cannot stand by itself, and its territories must soon become the province of another. The disgrace of the Porte naturally occasioned a variety of insurrections among its subjects; Mehemet Ali, of those subjects, was at first the most powerful, and afterwards the most formidable, and on the part of France was his revolt stimulated, as it was said by some of no contemptible nature. His army, at first forced to retreat, vanquished the brave but imprudent Hussein Pacha. The fate of the Sultan and of his capital depended on a battle which his general was likely to lose; and Russia offered herself at once as his protector and supporter, and was accepted. Admiral Roussin arrived at Constantinople, and engaged for the retreat of the Pacha on certain terms, which included the refusal of Russian assistance. To this Russia refused her consent—"you have asked for me, and you shall have me," she says; her troops marched accordingly on Constantinople. It was impossible not to admire the talent of a cabinet which actually compelled the Power it was determined to destroy, to receive it to its bosom as its best and its dearest friend. But he begged the House to observe, that in all these transactions of France on one side, and Russia on the other, we appeared as cyphers, and as far as the public knew anything, the whole fate of the East was about to be changed without our knowing more of the matter than if we had been some petty German principality. But Russia excused herself, he understood, in this manner, and here it was that the House required a satisfactory explanation from the noble Lord. It was said, that some time previous to the Russian expedition, or consent of assistance, she informed us, and the Porte specially informed us, that events were taking place in Asia which would oblige the Porte to have recourse to foreign interference, and that we were asked by both parties to put a stop to Mehemet's progress, which a note from us—a mere note from us—would have been able to do. That this note we delayed writing, and that thus Russia was forced to take the part she took. He mentioned this, in order that the noble Lord might explain the fact, or that the papers might be produced which would afford the explanation. The affair ended by Mehemet accepting the conditions the public were acquainted with, and the Russians, he presumed, were to withdraw from Constantinople, as the noble Lord said, or he would not otherwise surely have struck so strong upon the string of non-interference. Russia was to retire from Turkey; but what of that? If Russia retreated home, the mischief was done. Her moral ascendancy over Turkey was increased—it was for the increase of this moral ascendancy that she marched into Turkey. She meant, and wanted at this moment nothing more. Since 1776, Russia had extended herself over two-thirds of the coast of the Black Sea. Of the eleven millions of inhabitants in Turkey, three millions of Greeks and Armenians were attached to her yoke. By her commercial relations with different parts of the Continent, she had endeavoured to connect their interests with her, and by her power and magnificence, which with an oriental people had great sway, she had also endeavoured to obtain a strong hold over their imagination. Working with such materials and such means, she expected that if the Turkish empire dissolved, it would naturally fall into her possession, and with the consummate policy for which she was remarkable, she understood the art of waiting upon events, the termination of which she contented herself with calmly and deliberately preparing. Ultimately looking to the Dardanelles, her next step would probably be to get possession of Trebizond, which

would give a dépôt for her military stores, and open an easy access to Persia or Turkey for her armies. This being the state of things, it seemed pretty clear, that if they were allowed to continue, with the immense power and concentrated designs of Russia, the weak and divided government of Turkey, that important part of the world, unless other influences interfered to prevent it, would necessarily fall under her sway. With these important changes before the House, to which he presumed the Government had cast the considerate eye of statesmen, the country, he thought, in a matter so important to its interests, might fairly claim to know the general outline of the policy of Ministers. This became a still more reasonable expectation, since the views of another party, rival candidates for power, were well known. A noble Lord, with whose general views he disagreed, but of whose character he entertained a high opinion, and whose kindness he had personally to acknowledge, had stated on a former occasion, that he did consider the diminution of Turkey for the aggrandisement of Russia an object of serious alarm to this country, which it would be his duty to prevent; some persons, however, were of a contrary opinion, and seemed rather to favour the idea of Russian dominion in the East as favourable to the general civilization, and to the happiness of the people of that part of the world. He acknowledged that, of all ideas, this seemed to him the most singular of any that ever entered the brain of any man acquainted with history. But as his opinions were briefly explained in an able and eloquent passage of a pamphlet that had been written on the subject, he would read that passage to the House :—"Yet is this to be effected by Russia, by a nation which itself has just emerged from obscurity, scarcely possessing a complete legislature, and not yet free from the fetters of Gothic vassalage. Would Turkey (if conquered) adopt the manners and embrace the religion of the conquerors? Without this can such a change be effected ?—will not a humane and beneficent modification of its own religion be more likely to improve its advantages? Under the government of foreigners, to whom no allegiance is due but that of conquest, are we to expect the same coincidence in views, the same assistance in projects, as when national prejudice, religion, and duty—in fine, all the principles on which Turkish government is founded, unite? Observe, the precepts of the Koran are the rules of legislation as well as of moral conduct. Would Russia be able to dissolve the fabric of a religion so pleasing and gratifying to the passions of eastern nations, after it has stood eleven centuries? If they could not do this, what could they do?" The writer was actually speaking of the proposed plan of Turkish civilization. The dominion of Russia had not, he believed, in general been favourable to the civilization or happiness of the conquered; but even if Turkey could be civilized and rendered more happy under the dominion of Russia, was that the case with the other nations to which the possession of Constantinople would only open the way? If a nation had one particular point to gain, a natural frontier, a peculiar river or mountain, for which it would be always ready to wage war, it might be a question whether it would not be sound policy to yield that point. But was that the case with Russia? Let the House look to any part of the world in which Russia had not manifested the same grasping desire to add to her possessions—let them look at the map, and see what she had taken in the north, the south, the east, and the west. What power had not suffered from her fatal neighbourhood? Half a century ago Russia was not half European, now Europe was half Russian. But the dominion of Russia had not, he believed, in general, been favourable to the civilization or happiness of the conquered. Even the Crimea from 1770 to 1790 decreased in population from 250,000 to 60,000—a decrease of four-fifths in twenty years. He could conceive nothing more miserable than the lot of the Turks under the dominion of Russia. Shocked in every feeling, habit, and prejudice, and deeply imbued with the sentiment of predestination, revolts would be certain ; the Russian punishments for revolts are known ; and he thought humanity must pause before it would make even of Turkey another Poland. But it was not only by territorial increase that Russia had become formidable since the Treaty of Teschen, where she was first allowed to appear as a European power (a fault, said a diplomatist of the time, that it cost forty battles to efface). Since that period she had penetrated herself so deeply into the heart

of all European affairs, that there was nothing which could take place in the smallest and most distant nook of Europe in which she did not take an active and decisive part. Bold, where anything was to be gained by force—crafty, where it was to be gained by intrigue—she took as much pains with her diplomacy as with her military force. Wherever an able man was to be obtained, she had rewards, and service, and distinctions at his disposal; wherever a secret was to be purchased, she had the money ready; whenever war was probable, her armies arrived at their destination before we were suspicious of their march. There was hardly a court in which she had not family alliances and secret agents. In Holland, in Portugal, in Spain, in all the states of Germany, and now in Turkey, her influence was predominant; uniform in her plans, she had never moved without an object, and, concentrated in her power, she never struck but with the whole force of her arm. Such was the Russia, which was slowly but steadily advancing towards Constantinople, and determined at no distant day to take possession of the Dardanelles, when all her energy, enterprise, and ambition would be directed to the extension of her maritime power. Such was the Russia, meditating upon which the greatest political and military genius of his age exclaimed, "Que l'Europe ait garde, ou en 50 ans, elle sera toute Cossacque." It was not such a Power as this that we could deceive by professions of friendship, or turn aside from her course by courteous remonstrances. If we wished to stop her—if we deemed it our policy to stop her while it was yet time, we must do so by employing the same language and maintaining the same bearing to her that she maintained to us. He would not insult or offend her, and he owned that the vote of the other night was, under all circumstances, a difficult one to decide upon; but, at the same time, he thought we should not shrink, or seem to shrink, from expressing an opinion fairly and openly upon her policy, and a determination to resist her further aggrandisement and aggressions. He thought we should not shrink from doing this, nor from averring that we did this; since, in spite of what might be said to the contrary, the great power of England on the Continent was a moral power, and she could influence the conduct of its sovereigns by influencing the opinions of their subjects. For this reason, also, he asked for the papers for which he should conclude by moving; and it seemed to him more especially his duty at the present time; because, while he felt the more dread at the progress of Russia—because, with her progress, her principles would advance also—he found that there were princes who, for the sake of those principles which they imagined favourable to their personal interests, winked at an ambition which must be finally fatal to the independence of their subjects. No longer ago than last Christmas, it was pretty generally reported that Count Appony, the Austrian Ambassador at Paris, stated—in speaking on the affairs of the East—that his Court had a greater apprehension of French principles than Russian ambition. Here, then, was a new hinge for politics. It was no longer the power of a state, but the opinions of a state, which were dreaded; and those opinions were the opinions of an enlightened country, with whom, on account of corresponding views and ideas, we had entered into alliance. Moreover, he found, that the enlightened opinions to which Russia was inimical, had been combated, and combated successfully over different parts of Europe. They were put down in Italy, in defiance of the most able and energetic remonstrances of Mr. Seymour. They were put down in Germany, in defiance of the most solemn promises and the most binding treaties. They were put down in Poland under circumstances which exalted every humane feeling, appealed to every political interest, and aroused every sense of national honour. They were yet combated secretly in Belgium, openly in Holland, and even the expedition against Mehemet Ali, who, though a powerful and enlightened prince, did not chance to be a legitimate sovereign, seemed founded upon the same policy; and we might learn at Vienna and at St. Petersburg, that armies were equally ready to start for any part of the world, for Rome or for Constantinople, as it might be necessary, to rivet the loosening chains of Papal or Mahometan despotism. He could not think, with these circumstances passing before his eyes, that it was the part of a great Minister and a great statesman to turn the attention of the people from events which might endanger their dearest rights, their national power and existence,

by a common-place appeal to their pockets. It was the duty of a Government to curb, but not to put down the spirit of a nation —to avoid war as long as it was possible, but to keep alive the hearts of the people for any emergency. Gentlemen talked of war as if it were a thing which always depended upon ourselves, and which we had to choose as we might happen to like it, or the reverse; it was a thing only to be forced upon us; but when we saw it inevitably coming, then we need not wait for the rest, but take the best opportunity of meeting it; and, though he agreed in thinking that war was a great calamity to any country, this he would say, that if there were any country which, under the present condition of the world, could hope to wage a prosperous and successful war, it was that country which was at once mistress of the seas and possessed of the sympathies of the civilized portion of mankind. He used this language, not because he thought there was any necessity for us now to go to war, or that there need be such necessity. He knew, if such a necessity were to arise, the people would be ready to meet it; and he did not wish foreigners, who did not understand us, to take that grumbling at our poverty, and our debt, which had always existed since the days of Marlborough to be perfectly and literally true. The brave and gallant spirited people of England would shrink from no emergency in which their liberties and the liberties of Europe might require them to take a part. The burthens of the country had increased, but with the burthens of the country had also increased its resources; and though Russia had advanced from the Don to the Danube, from the Dneiper, to the Dneister, to the Pruth; though she had quartered herself in Moldavia and Wallachia, supplanted us in Holland, defied us in Germany and Poland, and entered, regardless of our diplomacy, the very gates of Constantinople, yet, notwithstanding, if Great Britain saw the necessity, or had the will, she never in a greater degree than at present, possessed the power to bid defiance to the armies and the principles of Russia. He hoped, therefore, we did not stand in disgraceful awe of a power which it would be equally as ridiculous to despise. He hoped that the noble Lord would explain frankly his views and feelings, such as would satisfy, both as to the course he might follow, and the policy he had pursued. For his own part, he had only to hope, that, however warmly he might have alluded to our political relations, he had indulged in no unbecoming personal remarks, and, thanking the House for its attention, he concluded by moving for "an humble Address to his Majesty for Papers respecting the Measures pursued by Russia, in her late interference with the state of Turkey."

Viscount *Palmerston* said, it was hardly necessary for him to state that he should consider it his duty to oppose the Motion, because the transactions to which the papers called for referred, were incomplete, and the character of the whole transaction would depend upon its termination. The papers asked for, related to the late interference of Russia with Turkey, and the part this country took with reference to that proceeding; and, as the results were not yet known, the House would at once perceive that the Motion of the hon. Member must be premature. The hon. Member had taken advantage of the Motion before the House, to express his opinion as to the general policy of his Majesty's Government with regard to Russia, and from the tendency of the hon. Gentleman's speech, he seemed to attach greater importance to the opportunity afforded him of declaring his sentiments on this subject, than to the production of the papers he moved for. There was always some inconvenience attending the entering into a detailed discussion on the conduct of the Government on foreign affairs, when the transactions to which it had reference were not complete. The Ministers were, no doubt, responsible for their acts, but it was too much to expect that, while transactions were pending, Ministers should undertake to explain not only their own conduct, but the motives which influenced the conduct of others. It was probable that at the very time at which they were speaking the Russian troops had evacuated Turkey. The pledge to do so had been repeatedly and solemnly given, not only to this country, but to all the other Powers of Europe, and, it was certainly, premature to declare that Russia did not mean to keep her faith? The hon. Gentleman had urged it as an accusation against Ministers that they had not interfered to defend the Sultan against Mehemet Ali, and prevent the advance of his army. He was not prepared to deny, that the

latter part of last year an application was made on the part of the Sultan to this country for assistance, but the Government was at that time not prepared to afford it; Ministers, in short, did not think it fit to afford assistance to the Porte at that particular juncture. No doubt if England had thought fit to interfere, the progress of the invading army would have been stopped, and the Russian troops would not have been called in; but although it was easy to say, after events had happened, that they were to be expected, yet certainly no one could anticipate the rapidity with which they had succeeded each other in the East. From this reply, and the subsequent rapid progress of the Egyptian arms—a progress not to be anticipated from any preceding events—the Sultan felt himself called upon to apply for assistance to Russia, and from Russia he obtained it. The Russian government, in granting this aid to the Sultan, had pledged its honour, and in that pledge he reposed the most implicit confidence, to limit its assistance to the defence alone of the Sultan, and had promised to withdraw whatever force might be placed at the disposal of that sovereign, for the purpose of securing his defence, as soon as peace was established between the Porte and Egypt. The hon. Gentleman would find in these observations an answer to his question, as to the policy of his Majesty's Government with regard to Russia and Turkey. The hon. Gentleman also asked would his Majesty's Government allow the conquest of Turkey by Russia. He had no hesitation in saying, that it was of the utmost importance for the interest of England, and for the maintenance of the peace of Europe, that the Ottoman empire should remain entire, and be an independent State. Whether the inhabitants of this large empire were Mohammedans or Christians —though he wished they were Christians —was not the question, for the subject must be dealt with in reference to political, and not to religious interests; but if Russian conquest should lead to the Christianizing and civilizing the inhabitants of that country, such advantages—and no one could estimate them higher than he did—would be counterbalanced by the consequences which would result to Europe from the dismemberment of the Turkish empire. Undoubtedly, then, his Majesty's Ministers would feel it to be their duty to resist any attempt on the part of Russia to partition the Turkish empire; and they would equally have felt themselves at liberty to interfere, and prevent the Pacha of Egypt from dismembering any portion of the dominions of the Sultan. The integrity and independence of the Ottoman empire were necessary to the maintenance of the tranquillity, the liberty, and the balance of power in the rest of Europe. At the same time, he had great doubts that any intention to partition that empire at all entered into the policy of the Russian government. Besides, he very much doubted also whether the Russian nation—properly so called—would be prepared to see that transference of power, of residence, and authority to the southern provinces, which would be the necessary consequence of the conquest by Russia of Constantinople. Such an event, too, would lead to a general war in Europe, for other Powers were as much, if not more, interested than ourselves in preventing such ag grandizement of the power of Russia. He therefore, thought, that sound policy, good faith, and every consideration of its own interest would induce the Russian government to abandon such a course, if it ever had the inclination to pursue it. He could assure the hon. Gentleman, that the British Government felt that the maintenance of the peace of Europe was an object of the greatest importance; and, as far as the Government of this country was concerned, without minding the taunts thrown out as to their pacific policy, they would do their utmost to preserve the peace of Europe. His Majesty's Government had been taunted with being afraid to go to war, and had been accused of truckling to other Powers in consequence of this fear. These accusations he (Viscount Palmerston) distinctly denied. If the present relations established between this country and France were pointed at in these sneers, he would only say, that he should look back with feelings of pride and satisfaction at the part he had acted in bringing about that good understanding. No apprehension could be excited in any reasonable mind on this score, for the circumstances of this connexion, both in France and in this country were greatly altered during the period that the present Ministry had conducted the political affairs of Great Britain. At the same time he repudiated the idea that England was afraid of Russia. There certainly existed many reasons on both

sides for the wish to avoid hostilities. Russia herself must wish for peace; she was a very large country, and immense commercial relations were established between her and this country. On what principle could she wish for war, or on what principle could those, who in this country were so loudly calling on the British Government to draw the sword, justify the appeal to arms at the present moment? Did they contemplate the calamities, the fatal and disastrous consequences, attendant upon a state of general warfare—consequences in which the conquerors, no less than the conquered, shared? The taunt of being afraid of war in any sense but this was puerile; for no country on the face of the globe was likely to suffer less than England from war. From all the unexampled sacrifices this country made during the last war with France, her internal resources and energies were such, she had recovered and repaired her means far sooner than any of the other nations which had been engaged in those hostilities. He had thus stated, to satisfy either the curiosity, or the anxiety, of the hon. Member, what had been the conduct of his Majesty's Government, and upon what principles they had proceeded. They had pursued the course which their duty to their country required; and if they had quietly beheld the temporary occupation of the Turkish capital by the forces of Russia, it was because they had full confidence in the honour and good faith of Russia, and believed that those troops would be withdrawn in a very short time, he believed he might almost say, before a few days had elapsed. On the ground of public convenience, therefore, and of the confidence he had in the fulfilment of her engagements by Russia, he thought the present Motion ought not to be agreed to.

Mr. *Cutlar Fergusson* declared, that he reposed no confidence in the pledges of Russia, and believed she would continue to violate them on every occasion, as she had already violated them, when it was her interest to do so. Had she not pledged herself to maintain the Constitution of Poland, pledged herself by Treaties, and had she not broken through them all? He would not trust her; for he was of opinion, that if she now retired from Turkey, it would only be for the purpose of rendering her return more easy, and her prey more sure. Such was her honesty in his estimation. He agreed with the noble Lord in his commendation of the present friendly relations between this country and France, and thought the interests of every free nation in Europe dependent on the continuance of that good understanding, for he was convinced a conspiracy was in operation against the free institutions of Europe, and that Russia, who was at the head of this conspiracy, would never rest satisfied until she had subjugated every country within her reach. When Poland was crushed, the thraldom of the German States, and afterwards of this country, was contemplated by that overbearing Power. The noble Viscount had informed the House, that the Government had remonstrated with Russia on the subject of her treatment of the Poles. But why did he, then, prevent the House of Commons from associating itself in that remonstrance? The discussion which took place on the subject the other night, would, however, go forth to Europe, and show what sentiments were entertained by the British Legislature of the conduct, of Russia towards Poland. With reference to the Motion he acquiesced in the statement of the noble Lord, that it would be improper to produce the papers till the negotiations were entirely at an end.

Colonel *Evans* thought it right on the part of his Majesty's Ministers to resist the taunts which had been thrown out against certain parts of their public conduct, but at the same time he could not help expressing his surprise at the confidence which the noble Viscount (Viscount Palmerston) seemed to place in the good faith of Russia. If they were to judge by its former acts, he would say, that there existed no grounds for such confidence, and that it was utterly unfounded; nay more, was altogether disproved by her conduct, not only towards Poland, but towards Turkey. With regard to Poland, she had been guilty of twenty years of infidelity and breach of faith; and with respect to Turkey, her conduct had been marked by want of faith and honesty. He was not anxious to see this country plunged into war, but he felt that if we, with France, had interfered immediately after the battle of the Pruth, we should have been right: but we allowed this opportunity to escape, and three months after the Russians had entered the Turkish territory as protectors, they declared that they had claims of their own, independent of the

other Powers, which they were determined should be satisfied. The same conduct pursued by us in India, and by the Spaniards in South America, for increasing their territories was now about to be resorted to by Russia with respect to the States by which her territories were surrounded. The gallant Officer referred to the Treaty which existed between this country, France, and Russia, with respect to Turkey, and said that Treaty had been violated by the Russians. When the question of the conduct of Russia had been broached on a former occasion, the answer of Ministers was then, as now, that their non-interference was grounded on the fear of a war. But when the Russians had reached Adrianople, then the fear of war appeared to have ceased, and the English and French Governments sent fleets up the Dardanelles to check the progress of the Russians. There was no Power in Europe greater than England, and no opponent whom we had less reason to fear, great as was its power, than Russia; and if any such fear ever did exist, it must be done away with by the Reform which had taken place both in France and in this country, and the consequent amicable alliance between the two countries. He hoped his Majesty's Ministers would not place reliance on the faith of Russia, and, above all, that they would prevent the continued occupation of the Turkish capital by that over-grown Power. He hoped that the very fact of this occupation would be a lesson both to England and France, and induce them to take the necessary measures to preserve Turkey as an independent State. He wished to state, that he agreed with the general policy of his Majesty's Ministers, notwithstanding their conduct towards Poland, and that he wished to see a little more vigour thrown into their measures, and he felt sure that, in the event of our being obliged to go to war, they would not be found unprepared for the occasion.

Mr. *Henry Lytton Bulwer*, in reply, said, that after what had fallen from the noble Viscount, he would not press his Motion. He was satisfied with the expression of opinion which had taken place, and would, with the leave of the House, withdraw the Motion.

Motion withdrawn.

Absentees (Ireland).] Mr. *Baldwin* rose to submit the Motion of which he had given notice, relative to the Expenditure of Absentees from Ireland. In doing so, he could not help expressing the astonishment he felt at seeing scarcely any of the Members for Ireland in their places. This circumstance proved what value was to be attached to their professions. According to the most accurate information which could be obtained, the number of absentee proprietors from Ireland was so large that 4,000,000*l.* a-year was spent by them abroad. Among other expenditures of Irish money in England, he thought it right to refer them to the 13,000*l.* per annum (as we understood the hon. and learned Gentleman) spent in contesting elections before Parliamentary Committees. Then let them recollect that the large majority of Irish bishoprics were filled by Englishmen, who became the founders of families in England on their accumulations in Ireland. The hon. and learned Gentleman was proceeding to argue that the 1,000,000*l.* of Irish money annually lodged in the English funds, which Mr. Spring Rice had quoted as an instance of the increasing prosperity of Ireland, was so much annually drained from the capital of that country, when

An *Hon. Member* moved, that the House be counted. Forty-one Members being present,

Mr. *Baldwin* proceeded. Wealth, he argued, was of no value, except as it was used. Money was made for man, not man for money. The proper distribution of wealth was the great benefit which it conferred on nations. The wealth taken out of Ireland by absentees might, had they continued to reside, have been used for the benefit of the Irish people. If a country exported all its raw material, and imported all its manufactures, the people of that country must necessarily be idle and discontented, and exposed to all the evils flowing from idleness and discontent. Such was, in a great measure, the state of Ireland. The landlord who drew all his rent away from that country, inflicted the injury upon it of withdrawing the most powerful stimulus to exertion. At present Ireland exported all her raw material to England and other countries—thereby throwing away the advantages which she might otherwise enjoy. By these means the incitement to labour was taken away, which might render the Irish an industrious and a happy people. It

had been stated, on one authority, that one-fifth, if not one-fourth, of the population of Ireland was at present unemployed. on another authority, that, out of a population of 8,000,000, 2,000,000 were unemployed. That was the true source of all the disorders in Ireland. The rioters and disturbers were arranged in different classes; but idleness was the mother of all the mischief. If they could not employ the population in doing good, the population would employ themselves in doing evil. The first mischief of absenteeism was the want of that moral example which the higher orders in every country ought to set to the lower orders. The ancient hospitality of Ireland was almost at an end. Those mansions, the doors of which were wont to be ever open to the stranger and the needy, were now falling into utter decay. Another evil of absenteeism, was the destruction of those ties of affection and attachment which formerly existed between the landlords and the peasantry. Another evil was, that the estates, not having the eye of the master upon them, were neglected; and no portion of the rent was applied to the improvement of them. Another effect of absenteeism was, that for want of revenue, there was no accumulation of capital. When capital was abundant in Ireland, the Irish could produce and manufacture as cheaply as other nations. But now, the diminution of revenue prevented the accumulation of capital. The consequence was, that workmen and tradesmen of every description were reduced in number, and were left almost without employment. He admitted, that the cotton manufacture in the North of Ireland, and the making of kelp in Galway were tolerably prosperous; but with those exceptions, trade and manufactures were in a most decayed state throughout Ireland. The hon. and learned Member proceeded to read a voluminous paper, describing the number of persons belonging to different trades in Dublin before the Union, and the number at present, as also the wages of the two periods, to show the extensive falling off that had taken place;—in the middle of which,

An *Hon. Member*, for a second time, moved, that the House be counted; but there being forty Members present,

Mr. *Baldwin* proceeded to read the paper. It related principally to the number of artizans and manufacturers in Dublin in 1799 and the present moment, and showed the decrease in their numbers, and that the same decrease had taken place in Cork and Limerick. This referred, he said, merely to some towns, but, at all events, one-fourth of the people of Ireland were unemployed; and if the population continued to increase, and a young, brave, and idle race were brought up without feelings of attachment or respect for the class above them, the landlords who now enjoyed the sky of Italy, and the luxuries of London, might lose their estates, and the military force of 22,000 men would fail to preserve them. The Irish, like all uncivilized people, were vindictive, and no one knew the moment at which a crisis might arrive. The hon. and learned Member below him (Mr. Sheil) had a Motion relative to a tax on absentees, and he would not interfere with that subject, not even pronounce an opinion upon it. The remedy he would propose was the having local bodies to legislate on local subjects, and that these local Parliaments should sit for three months in Ireland and three months in Scotland, while the Imperial Legislature should go on here. This would diffuse a part of the revenue exacted from the people of Ireland, over that country, and the people would have the feeling that they were not neglected and deserted. The hon. Gentleman then referred to the history of Rome and Lacedæmon, to prove that the moment the revenues of the provinces were spent in the capital without any return, the State became corrupt, and gradually fell to decay. A federal government was in his opinion the best; and the instances of America, and of our own colonies, proved, that the principle of separate Legislatures for countries united under one head, worked very advantageously. Would they, he asked, after thirty-three years' experience, which proved that Ireland was not happier, although perhaps some individuals were richer, and the country was more populous, continue the same system? It had been said by a right hon. Gentleman, that the reason Ireland was ill-treated by England was because she had a Parliament of her own; and the hon. Gentleman went into a statement to show, that from 1720 to 1822 the reverse was the case, and that the Irish Parliament was the only protection the country had from monopoly and injustice. In conclusion, the hon. and learned Gentleman moved for a Select

Committee to inquire into the various forms of absentee expenditure by which Ireland is afflicted, to ascertain its effects on the prosperity of the country, and on the happiness of the people, and to discover a remedy, if possible, for the evils it occasions.

The Motion having been put,

Mr. *Baldwin* said, it was his wish not to press his Motion at present, but to record his own sentiments on the subject.

Mr. *Spring Rice* suggested, whether it would not be better for the hon. Gentleman to give a notice for the next Session.

Mr. *O'Dwyer* said, that the Motion was a very important one, and that hon. Members who brought forward questions relating to Ireland were not to be laughed at.

Mr. *Spring Rice* said, that there had been no such thing, and that it was only to save trouble he made the suggestion. He knew the subject ought to be inquired into, but the hon. Mover himself saw that at this period no practical result could follow from his Motion. Neither could it be supposed that indifference on the subject influenced the House; for, if so, it was equally chargeable upon some of those Irish Members who claimed most emphatically to be the Representatives of the people of that country, and who were absent upon this discussion. When the proposition should be made, he would be ready, as he was then, to negative it, particularly because a Motion professing to inquire into absenteeism was in reality one for the introduction of a federal Government; and when such a proposition as that was to be considered, it was one to be considered by the whole Legislature, and not delegated to a Committee. To a Committee on absenteeism he should have no objection, as he was not one of those political economists who did not consider it an evil, and above all, an evil in a country circumstanced like Ireland. This he admitted, but how was it possible to remedy it? That could not be done without destroying the right of property, as well as degrading the people of Ireland, by leaving them without the power of free agency and making them mere *adscripti glebæ*—without the liberty of leaving their country. For the benefit of any country, the freer property, capital, and population, were, the better. The hon. Gentleman had read a paper relative to the decrease of manufactures, but every fact he had stated, was traceable to other sources than the Union, as the introduction of machinery alone would account for all he had mentioned. There was only one way to bring the absentees back to Ireland; that was, to make the country happy, and to put an end to all feelings of irritation and division. The hon. Gentleman had entertained the House by reading a long paper, giving an account of the number of persons engaged in the different branches of trade in Ireland. He was aware of the danger of referring to papers of any description; but, upon a subject which not only called the attention of the people of Ireland, but excited their passions in no inconsiderable degree, would the House indulge him whilst he read a single paragraph, not so long as the hon. Gentleman's paper, but as good an authority—the authority of an Irishman—of one of the best and greatest Irishmen who ever did honour to his country. He begged to call the attention of the House to a single passage in a letter from Mr. Burke to Sir Charles Bingham. The hon. Gentleman admitted, that one of the great evils of a tax upon absentees was—that you must apply it to absentees generally. The hon. Gentleman seemed fully aware of this fact, because he appeared to imagine that many of his observations were equally applicable to Scotland; and he wished to adopt the principle of compulsory residence in that country. He certainly was disposed to think that the Scotch people were perfectly able to judge for themselves; and when the Representatives of the Scotch people neither asked for a Repeal of the Union, nor a tax upon absentees, he thought that a *primâ facie* case was made out, that they did not suffer from this cause, as the hon. Gentleman would induce the House to believe. Burke said, and he begged the attention of the House to the remark: "A man may have property in more than two parts of this empire; he may have property in Jamaica, and in North America, as well as in England and Ireland. What shall we say to this case? After the poor distracted citizen of the whole empire has, in compliance with your partial law, removed his family, bid adieu to his connexions, and settled himself quietly and snug in a pretty box by the Liffey, he hears that the Parliament of Great Britain is of opinion that all English estates ought to be spent in England, and that they will tax him double if he does not return.

Suppose him then (if the nature of the two laws will permit it) providing a flying camp, and dividing his year as well as he can between England and Ireland, and at the charge of two town houses and two country houses: in this situation he receives an account that a law is transmitted from Jamaica and another from Canada to tax absentees from those provinces which are impoverished by the European residence of the possessors of their lands. How is he to escape from this ricochet cross-firing of so many opposite batteries of police and regulation? If he attempts to comply, he is likely to be more a citizen of the Atlantic Ocean than of any of these countries. The matter is absurd and ridiculous, and while ever the idea of mutual marriages, inheritances, purchases, and privileges, subsist, it can never be carried into execution with common sense or common justice. I do not know how gentlemen of Ireland reconcile such an idea to their own liberties or to the natural use and enjoyment of their estates." The hon. Gentleman might say, that this was an extreme case. It was; but it was only by extreme cases that a fair test to try an argument of this kind could be found. If it were right to confine Irish landlords within the limits of Ireland, it was certainly equally right to confine all persons possessing estates in England within the limits of England. He deeply lamented the existence of absenteeism, and sincerely wished it should cease. He hoped it would. It was ceasing in his own county. He would refer to proofs. Let the hon. Gentleman who doubted it go to the great architects of Ireland, and inquire what number of great houses had been built by the nobility and gentry within the last ten years. He would find, that there never was so large an outlay of capital in that species of property, in the course of any ten preceding years, in the history of Ireland. Let the hon. Gentleman start from Dublin and view the various mansions, of the nobility and gentry in different parts of Ireland, and then let him say whether there had not been a considerable expenditure. That was the case in Limerick, and he must say it, with all possible respect for the hon. Gentleman, that his statement was much exaggerated. To say that the property of the absentees was 15,000,000*l.* was monstrous; the whole income of Ireland not exceeding 20,000,000*l.* He had been very reluctant to offer a word on the subject, but was induced to do so, by a wish to reply to the hon. Gentleman, guarding himself, however, against the supposition that he was indifferent upon the subject of absenteeism. He admitted it to be a great evil, but it was not a subject for legislative interference.

Mr. *Robinson* observed, that the indifference with which Irish Members were often pleased to charge English Members upon the subject of Irish affairs, was not an indifference to the interests of Ireland, but was the result of the want of conduct and discretion on the part of the Irish Members themselves. Whenever any matter of practical advantage to Ireland was to be considered, the English Members were attentive enough; but it was impossible to expect them to be so when hon. Members from the Sister Country brought forward mere formal Resolutions for the purpose of making them the means of introducing a series of observations to the House. He trusted that that system would not be persevered in, and that these unfounded accusations would not be repeated.

Mr. *O'Dwyer* did not wonder at the lecture read the Irish Members by the hon. member for Worcester, for that hon. Member had experienced the evil effects of the practice he reprobated in his own instance, when he effectually depopulated that House by a Motion regarding taxation. He thought that there ought to be a tax upon absentees; but if they did not like that, they might effect the same object by increasing the facilities for the transfer of property. The evils of absenteeism were very great. Most of the disturbances that took place were on the estates of absentee landlords, and were occasioned by the misconduct of those who represented them. The people on other estates were at the same time quite tranquil. Such had been the case with the tenantry of Lord Cloncurry, who resided on his property, and who, in the year of the famine, had not only supported the poor among his own tenantry, but many others.

Lord *Althorp* was ready to admit that absenteeism was an evil. But the remedy now proposed would be a greater evil. Absenteeism was an evil in England, Scotland, and Ireland. Those who said that to remedy the evils of Ireland, it was necessary to increase the value of property there, spoke truly, but those who proposed restrictions on property were proposing

that which would diminish, not improve the value of property there. In fact, he believed that most of the plans recommended by the hon. member for Cork, would be found to have a tendency rather to increase than lessen the evil.

Mr. *Sheil* said, that the evils of absenteeism were admitted. But what was done to get rid of them? Nothing—only a wish was expressed that quiet might be restored, and then it was said there would be no more absenteeism. He almost doubted that. It was a habit of the landlords to be absentees. Scotland suffered from absenteeism, but not so much as Ireland, and there was this difference between the two countries, that in the first place, there were no confiscated Scotch estates possessed by large English proprietors; and in the next, Scotland was a tranquil country. He observed then, with regard to Ireland, that every year England gave less and less to Ireland. In the year of the cholera morbus, England sent over to Ireland 40,000*l.*, but in the same year the amount of the estimates showed that less was to be given to Ireland than in the year before. [Mr. *Hume* observed: So much the better.] The hon. Member said so much the better; but it was admitted that absenteeism was an evil. How, then, was it to be cured? The hon. Member surely would not deny that absenteeism was an evil. [Mr. *Hume:* Yes, in the way you think it.] The Irish had observed the magnificent liberality with which Parliament had given the 20,000,000*l.* in what he must say he thought the holiest cause in which that money could be expended; but while his country admired the liberality of the Parliament to the negroes, she could not but contrast that with its parsimony to herself.

Mr. *Hume* thought, that there was a great delusion as to the evils of absenteeism, and he hoped the opportunity would soon arrive when the question would be fairly discussed, and that delusion put an end to. Absenteeism was an evil, but the remedy now proposed was a greater evil. The real and the greatest evil in Ireland was the want of employment. That employment could not be given without capital—there was plenty of capital in England that the owners were anxious to send over to Ireland, but they were prevented by the disordered state of the country. Civil discord, anarchy, and bad Government were the causes of the evils of Ireland, and taxes on absentees would not mend those evils. Capital would not go over to Ireland while that country continued in its present unquiet state.

Mr. *Finn* said, that absenteeism was the great evil of Ireland. She made more progress than any other country—than even England between the years 1782 and 1796, when she had an independent Legislature of her own.

Mr. *Littleton* never had been able to comprehend how an absentee tax could effect any good for Ireland. It would prevent any Englishman from investing his surplus capital in Irish property, and it would make Irishmen invest their surplus capital in England, where they might enjoy it with freedom, and thus, instead of tending to increase the means of employment in Ireland, it would diminish them.

Mr. Baldwin replied, and withdrew his Motion.

CASE OF CAPTAIN ROBISON.] Dr. *Lushington* rose to move for the production of the minutes of the Court-martial on Captain Robison. He said, that he had on a former occasion presented a petition on the subject, and he had no hesitation in saying, that the principles upon which Courts-martial were constituted had been violated in this case. His object was to obtain justice for an injured individual by means of that House, which was now the only tribunal which could administer justice to him. He would shortly state the facts upon which he required the House to accede to his Motion. In the year 1828 Captain Robison, who had been appointed to the command of three veteran companies, which had been raised in this country for the purpose of being sent out to New South Wales, to serve there as mounted police, was brought to a Court-martial at the instance of General Darling, the Governor of that colony. General Darling, who was at that time exercising all the powers of the Crown, acted as prosecutor of Captain Robison. General Darling had the selection of the Court-martial which was to try Captain Robison, and he mentioned this to induce the House to consider the odds which this officer had to combat in contending with the tremendous powers with which the governors of our colonies were armed. Knowing those powers, the House would see that if it shut its ears against complaints of the mis-

use of those powers, it would leave to the arbitrary rule of our colonial governors all who served under them either in a civil or a military capacity. To the Court-martial thus selected by General Darling an officer was sent to act as Judge Advocate, who had been previously a member of the Court of Inquiry which sat upon Captain Robison. He had read the evidence of two of the witnesses who had been examined on the Court-martial, and from that evidence it clearly appeared that the Judge Advocate to the Court-martial had also been Judge Advocate to the Court of Inquiry. Now he understood that it was not only contrary to military law, but also to military practice, that the same officer should act as Judge Advocate both before the Court-martial and the Court of Inquiry. The Court of Inquiry lasted three weeks; the Court-martial lasted from the 11th of July to the 15th of September. One would suppose that from the length of time which the Court-martial lasted, that it required witnesses to be brought, not merely from different parts of the colony, but also from different parts of the world. But no such thing; for the charges, though voluminous, confused, and complicated as almost to defy anybody from comprehending the intention of the accuser, consisted in themselves of a few facts, and required the presence of only a few witnesses. The trial lasted two whole months, from day to day, and during its continuance a circumstance occurred which, whatever might be the result of this Motion, ought to annihilate the whole of the proceedings taken against Captain Robison, for it was impossible to say, after that circumstance had been mentioned, that justice had been done, when that was prohibited from being done without which justice could not be administered. His first complaint was that an attempt had been made on the part of the prosecution to tamper with the witnesses. Before, however, he proceeded to that part of the subject, he must state to the House that one of the charges against Captain Robison was, that he had sent to England complaints against General Darling without having communicated copies of them to General Darling. During the inquiry General Darling addressed a letter to Captain Robison, desiring him to state whether he had sent home any such complaints, and on receiving an answer from Captain Robison, made that answer evidence against that officer. Another of the charges against Captain Robison was of a most extraordinary nature. Captain Robison was accused of having improperly made use of a letter written by the Governor's Military Secretary, Captain Strutt, to Lieutenant Sweeney, who was summoned to give evidence against him. To support that accusation Lieutenant Sweeney was called as a witness. Now, what would the House think when he read to them the contents of two letters, which he held in his hand, and which were written by Captain Strutt to Lieutenant Sweeney pending this inquiry? Captain Strutt sent an express to Lieutenant Sweeney with an official letter desiring him to attend the Court-martial with a detachment of his company, and in that official letter he enclosed a private letter of his own, which in his (Dr. Lushington's) opinion was nothing else than an attempt to intimidate that witness from giving the evidence which he was generally expected to give. The House would allow him to read those letters, and when he had read them he thought that every Gentleman who heard him would be of opinion that he had substantiated grounds for the Motion with which he intended to conclude. The official letter was dated 1st of April, 1828, and stated, that the Lieutenant Governor having directed an inquiry to be made into the conduct of Captain Robison, had instructed him to signify his desire to him (Lieutenant Sweeney) that he should afford every facility by the presence of his detachment to the fulfilment of the orders of the Court-martial. In the same envelope was the following letter, headed with the words "strictly private and confidential." In this letter Captain Strutt stated that "he could not allow the inquiry to proceed without discharging the disagreeable duty which had fallen to his lot." "I am anxious for your sake," continued the writer, "to warn you of the precipice on which you are standing. Circumstances have come to the knowledge of the Lieutenant Governor which implicate you jointly with Captain Robison. He may be right or he may be wrong, on that I give no opinion; all that I wish to call your attention to is the consequences which may attach to you individually. Your name has been mentioned in some of the despatches addressed to the Lieutenant Governor, and has not escaped his notice; but hitherto I have parried the

subject. An honourable line of conduct is now open before you, and I hope you will follow it." Now, he begged the House to consider when, and by whom, this letter was written. What object could the writer have except to intimidate the individual to whom it was written? The warning given to Lieutenant Sweeney, that he was standing on a precipice, and that he was implicated with Captain Robison, was nothing but an attempt to intimidate Lieutenant Sweeney, into the suppression of such evidence as might be unfavourable to the prosecution. The most singular part, however, of this case was yet to come. When this letter of Captain Strutt was communicated to Captain Robison, he wrote a remonstrance to General Darling, against the tendency of such a letter to sap the foundation of all justice. That remonstrance was afterwards made the subject of a fresh charge against Captain Robison. At the Court-martial Lieutenant Sweeney was produced to substantiate a charge against Captain Robison. This he failed to do, on which the President took out of his pocket a prior written statement of Lieutenant Sweeney in order to contradict the evidence which he had then given, and to discredit the witness for the prosecution.. That written statement was admitted as evidence, not only against Lieutenant Sweeney, but also against Captain Robison; and to conclude the whole of this extraordinary transaction, in which the prosecutor at one and the same time discredited his own witness and illegally introduced against Captain Robison, as evidence, that which was no evidence at all, General Darling had circulated a printed statement, which he had seen, averring that Lieutenant Sweeney was undeserving of credit. Even that was not all; in consequence of the evidence of Lieutenant Sweeney being unfavourable to the prosecution, he was, first of all, suspended from military duty, and afterwards sent home without trial. He submitted, that if there was a shadow of truth in these allegations, the grossest injustice had been done in these particulars, and further investigation was absolutely necessary. He knew that General Darling disavowed all knowledge of Captain Strutt's letter to Lieutenant Sweeney. It might be true, that it was written by the imprudence—no, that was too light a term—of Captain Strutt himself; but by whomsoever written, and from whatever motives, it made no difference to Captain Robison. General Darling had called on Lieutenant Sweeney to account for the letter which had been written to him by his military secretary, Captain Strutt. Now, Sweeney was a man in distressed circumstances, and on receiving that demand saw that his all was at stake. In the agony of the moment he wrote a letter to General Darling, scarcely knowing what he was writing, and that letter was subsequently produced by the prosecution to contradict the testimony which he afterwards gave upon oath. He now came to another of the charges which had been preferred against Captain Robison, and which was not less extraordinary than any of those which had preceded it. Whilst Captain Robison was commanding a detachment at a distant out-post, he gave orders that the mail-bags, in which he expected some despatches of his own, should be opened in the absence of the post-master. For doing this a charge was brought against him before the Magistracy, who, on hearing the facts, dismissed it as frivolous and vexatious. This charge was again reiterated before the Court-martial, which expressly acquitted him of every part of it which implied either dishonour or discredit. Another complaint which he had to urge on behalf of Captain Robison was, that in violation of the law, the questions put to the witnesses were not taken down in writing, in order that the Government at home might be enabled to judge of their relevancy and pertinency. Now, unless such questions were reduced into writing, how was it possible for his right hon. friend, the Judge Advocate at home, to decide whether all had been done, that was necessary to the elucidation of justice? Another complaint was, that the Chief Justice of the colony, Mr. Forbes, who had been summoned as a witness for the prosecution, instead of appearing to give evidence in person, as he might have done, he being in the town, only sent a letter, which was improperly received as evidence against Captain Robison by the Court-martial. It had been stated, that Captain Robison might have insisted on the personal appearance of Mr. Forbes in his defence. But need he mention how dangerous it would have been for Captain Robison to call in his defence a witness summoned for the prosecution, a witness whom he would not have been allowed

either to cross-examine or discredit, and who might be cross-examined at any length by the other side? The fact to which he wished to call the attention of the House was the manner in which the Court-martial had admitted that letter to be evidence. How could it be evidence? It was obvious, that if such proceedings were permitted to go uncorrected, no man's character could be considered safe. He now came to another fact, which appeared on the minutes of the Court-martial, and which to this moment remained uncontradicted. Captain Strutt had been permitted by the Judge Advocate to read over the minutes of his own evidence, and to refresh his memory as to what he had sworn previously, before he underwent cross-examination. That was another violation of justice. He therefore asked the House to let the minutes of the Court-martial be laid upon the Table, in order that every Gentleman might judge for himself of the justice or injustice of its proceedings. The sentence which it passed upon Captain Robison was, that he should be dismissed from the army, in which he had served for twenty-five years, and gone through all the Peninsular campaigns—after having been thrice in India; and after having gone out to New South Wales with as high testimonials to character as any officer could desire. He should now conclude by saying, that if this motion were to be opposed, the House ought at least to know the grounds on which it was met with opposition. He hoped that he should not hear a doctrine laid down which would deprive the House of one of its noblest functions—he meant that of administering justice to British subjects whenever and wheresoever they were injured. The hon. and learned Member concluded by moving, that a humble address be presented to his Majesty, requesting that he will be graciously pleased to give directions that a copy of the minutes taken by the Court-martial held upon Captain Robison, in 1828, be laid upon the Table of the House.

Mr. *Robert Grant* remarked, that his hon. and learned friend in the speech which he had just made had culled out of the paper which Captain Robison had circulated only two or three of the charges which he had brought against the Court-martial which had tried him, and had entirely left out of consideration the many other charges which Captain Robison had preferred which had made, he believed, a very considerable impression upon those who had read them. As those charges had been very generally circulated, he trusted that the House would allow him greater scope in replying than he should otherwise have ventured to take. He should begin by stating, that he was not there to defend General Darling—all that he undertook to perform on this occasion was, to defend the proceedings of the Court-martial. His hon. and learned friend had complained that Captain Robison had been charged before the Court-martial with having opened the post-bag without due authority — an offence of which he had been accused before a civil tribunal, which had acquitted him of the charge, describing it as unjust and frivolous. Now, it might be wrong for General Darling, under such circumstances, to bring that charge before a Court-martial; but how could that be made an imputation upon the Court-martial, which, on hearing the charge, had acquitted him of it? Let not the House suppose, from his silence respecting General Darling, that he intended to throw blame upon that officer; he was neither his champion nor his accuser; and he should only refer to that officer when he found him in connexion with the Court-martial. He admitted exclusively that the House had the power to supervise the proceedings not only of Courts-martial, but of all judicial tribunals, and that in exercising that supervision it was to be guided by no general rules, save the immutable principles of justice. But the House, which might exercise its supervision in all instances, ought it his opinion to be very cautious how it exercised it in any. The question, then, with regard to this Court-martial resolved itself simply into this: "Does there appear in its proceedings a case so pregnant with injustice and oppression as ought to induce the House to take the first step in the career of censure by agreeing to an Address for laying the minutes of the Court-martial on the Table?" His opinion decidedly was, that there was no such case, and therefore he thought, that the House would be well advised in not acceding to this Motion. The charges which Captain Robison had preferred against this Court-martial were numerous; but yet they resolved themselves easily enough into three heads. There were, first, the objections to the

constitution of the Court, next the objections to its proceedings in admitting and rejecting certain evidence, and, last of all, the objections to its decision and sentence. Now, if he could prove, that the constitution of the Court was legal, that its proceedings were regular, and that its decision was right, the conclusions to which he had come, and which he had already stated, must be assented to by the House; but if not, the Court-martial must submit to censure, and he along with it, for not expressing his disapprobation of its conduct, from the commencement to the close of these transactions. He would remind the House, that it was not called upon to decide on the merits or demerits of Captain Robison. The question was not whether the decision of the Court-martial on the charges preferred against Captain Robison was correct or not, but whether the members of that Court-martial performed their duty fairly, and came to such a decision as honest and intelligent men would be justified in coming to: for he need not say, that if they came to such a decision, it could be no impeachment of their integrity if the House came to a contrary decision, seeing that it was a matter of daily occurrence for Juries, against whose integrity not a suspicion was breathed to come to different conclusions upon the same evidence. The first objection contained in the paper of this unfortunate man—for unfortunate he certainly was—respected the constitution of the Court. That paper stated, that the Court consisted of a President and eight other officers only, the ordinary number of officers upon Courts-martial being thirteen. Now, nine officers were four more than were required by the Mutiny Act and the articles of war to constitute a Court-martial. Considering, therefore, the numerous duties which the military had to perform in New South Wales, it was favourable to General Darling, and a mark of respect to Captain Robison, that his Court-martial consisted of a greater number of officers than the law required. There was another circumstance connected with the constitution of the Court, which he felt it necessary to state in justification of the Court itself. With the exception of one officer, who was junior to Captain Robison, all the rest were his superiors in rank. His hon. and learned friend had told the House that the Court-martial sat from the 11th of July to the 15th of September, two whole months; but he had not told them that four-fifths of that time had been taken up by the defendant in cross-examining the witnesses, and that this oppressive Court had given him three weeks out of those two months for the preparation of his defence. The next objection of Captain Robison was, that he had been compelled strenuously to object to two members of the Court, but that his challenge had been over ruled and disregarded. Now, he (Mr. Grant) believed that this petition had been framed in London; and therefore he must suppose that in the lapse of time Captain Robison had forgotten the facts, or else he never could have so misrepresented them. It was true, that Captain Robison had objected to one member of the Court; but his other objection was to the Judge Advocate; and if he reckoned the Judge Advocate as a member of the Court, as undoubtedly he was, then the Court-martial consisted of ten officers. He (Mr. Grant) wished the House to attend to the terms of the objection which Captain Robison raised against one of the officers. "The defendant particularly requests that Captain Crottin will withdraw from the Court, in consequence of the intimacy in which he has lived with that officer, and he puts it to his feelings whether he (Captain Crottin) ought to be present at the investigation." He should, therefore, contend that he had made out his case that the Court-martial was properly constituted. His hon. and learned friend had laid it down as a general rule, that a Judge Advocate who had attended a Court of Inquiry could not sit upon a Court-martial instituted by the recommendation of that Court of Inquiry. Now, the manner in which this objection was stated in Captain Robison's paper was not quite so mild. Captain Robison stated, "The officer who acted as Judge Advocate of the Court was not an impartial and unprejudiced person, having been a Member of the Court of Inquiry, and he acted in that important capacity in defiance of my solemn protest against it." His answer to this objection was, that the Judge Advocate was not removed from the Court, because, by Act of Parliament, he was not challengeable. The Orders of the Army were, that no man could protest against the President of a Court-martial in a foreign country, because he was appointed by a warrant from the Governor, nor against the Judge

Advocate, because he was appointed by the Crown. Besides, in this case the Court of Inquiry gave no opinion, and only examined witnesses and collected evidence to see whether there was any ground of charge against Captain Robison. It was the opinion of many high military authorities, that the having been a Member of a Court of Inquiry, when that Court had pronounced no opinion, was no good ground for objecting to an officer being afterwards a member of a Court-martial arising out of the facts collected by such Court. As to the objection that the Court was blamable in having received as evidence the letter of the Chief Justice of the Colony, he must say, that that could form no ground for revising the proceedings of the Court, for the letter was of no importance whatever to the case; but he would add, that if the receiving evidence which would not be received as evidence in a Court of Law was to be an objection to the proceedings of a Court-martial, that Court would stand the test, for it was an object with Courts-martial to let in any evidence that was tendered. Indeed, in the 1,050 pages which these proceedings occupied, four-fifths might be said to consist of inadmissible evidence, but this was owing to the indulgence of the Court, in allowing the defendant to go into matters which were irrelevant. There was, he would admit, evidence admitted for the prosecution which, strictly speaking, was inadmissible, but it was not of that material nature which would justify a revision of the proceedings. No objection had been made at the time by the defendant himself to the admission of the letter of the Chief Justice, and in his subsequent protest against its being allowed to remain on the minutes, he admitted the fact, adding, that he was taken by surprise, but the Court in its decision on this objection, stated, that having been warned in the opening statement that such letter was to be produced, and having made no objection at the time it was produced, he could not justly require it to be struck out. They allowed it to remain, but not as evidence. This decision he (Mr. Grant) contended was perfectly consistent with the strict rules of Courts-martial. The next objection of the defendant was, that the prosecutor was permitted to object to the testimony of his own witness, and to bring a previous letter of that witness to shake his own evidence. Now, on this point it was distinctly stated by Captain Strutt, and also by the Governor, that he (the Governor) knew nothing whatever of the private letter written by Captain Strutt to Lieutenant Sweeney. The letter was marked "private and confidential," and in opening the other letter in which it was enclosed it fell out, and was picked up by Captain Robison, and though so marked was read by him. When Lieutenant Sweeney found, that it had been so read, he in great agitation begged that he would not say a word about it, which Captain Robison pledged his honour not to do, but the first step he took was to write to the Governor making a complaint that such a letter had been written. It was not unnatural that Captain Strutt should have written this confidential letter to a man with whom he was on intimate terms, whom he knew to have been in some degree exposed to risk from some of the proceedings against Captain Robison, and whom he also knew to be in a great measure under the influence of that officer. When the complaint of Captain Robison was received respecting the private letter, a letter was written by order of the Governor to Lieutenant Sweeney, calling on him to explain. In answer to this Lieutenant Sweeney wrote the letter which had been afterwards produced in Court, and in which, after giving an account of what occurred, which it was unnecessary for him then to repeat, he added—"I further beg to pledge myself on my honour, as an officer and a gentleman, that what I have here stated is consistent with the truth." This was written in May, but, in the July following, when he was called upon as a witness to some of the same facts, he gave evasive and reluctant answers, which brought upon him the public censure of the Court. Now, in point of law, he must contend, that a prosecutor was perfectly authorized to bring evidence to contradict the testimony of his own witness, not to discredit his general evidence, but to contradict him in the particular parts of it where he may have given evasive and reluctant answers, as in this case, and to show that at another period he had given a different account of the same transaction. This he stated on the authority of Mr. Phillips, in his work on evidence, who quoted the opinion of Lord Ellenborough as authority for the rule thus laid down. This, then,

was the whole of the case as to the letter, with the exception, that it was not pulled from his pocket by the president of the Court-martial (who was a most honourable man and an excellent officer, and who knew his duty better,) but was produced by the prosecutor. There was, therefore, he contended, no ground for calling the proceedings of the Court in question on this objection. There was in the paper which the defendant had circulated amongst the members of the House another and most important objection, on which he would say a few words; it was, that one of the witnesses, a private soldier, named Budd, had been tampered with by General Darling, and promised rewards and promotion if he gave evidence against the accused; but supposing that this fact was as the defendant had stated, it would still form no ground for calling the proceedings of the Court in question, for though the Court had discredited Budd, yet the facts to which he spoke against the accused were proved by other witnesses, against whose testimony no imputation had been directed. He referred to this fact, not as any willing impeachment against General Darling—he admitted that, if true, it was a blackening and a serious charge against him, but he had mentioned it solely in reference to the case before the House. It should, however, be added, that the story told by Budd was improbable, to an extent bordering on romance. He stated, that on his return to Sydney, he had an interview with the Governor, with the knowledge of his military secretary, Captain Strutt, and of his private secretary, Lieutenant Condamine; that he had remained seated with him at the Government-house for several hours; that the Governor had promised him promotion if he would give evidence against Captain Robison, and that not only would he promote him, but any one of the veterans who might be ready to give similar evidence. On his cross-examination, however, he admitted, that he had never been at the Government-house, had not seen the Governor, and that he had no idea that he should receive his discharge. To this should be added the statement of Captain Strutt and Lieutenant Condamine, who both swore, that Budd had not been to the Government-house, and had never had any interview with the Governor to their knowledge. This, he thought, was sufficient to put an end to that part of the charge. There were several other points contained in the paper circulated by Captain Robison—but not mentioned in the statement of the hon. and learned Gentleman—of which he would only say, that they were not borne out by the evidence on the minutes of the Court. When first Captain Robison felt himself aggrieved by having what he considered an unjust charge made against him, he should have sought an inquiry at the hands of the Governor. If the Governor refused, he should have transmitted copies of his application, with his complaint as to the refusal, to the authorities at home; if that were refused or delayed, he then might send his communications and complaints home by any way he could, taking care not only to apprise the Governor that he had so done, but also to send him copies. Without adopting this course, he sent not only charges of his own, but also written charges of some of the veterans against the Governor. When written to by order of the Governor, to know whether he had sent any such charges, he gave evasive answers to the first and second letters, and it was not until a threat was used in case of further refusal that he gave an answer, that he was not bound to criminate himself. It was perfectly clear, that in matters of a criminal nature, no party was bound to criminate himself; but this was not an examination by a magistrate of a party accused, but a demand made by a superior officer to one under his command, to know whether he had done that which it was his duty to do; for, if he had sent any complaint to England, he was bound to report it at once to the Governor. It was idle, therefore, to say, that this demand of the Governor was for the purpose of procuring answers to criminate himself. If the Court had sentenced Captain Robison to be dismissed for sending home charges clandestinely, there could be little doubt that the authorities at home would have restored him to his rank; but his dismissal was not for that; it was for refusing to obey the orders of his superior officer, in not making a return when he was legally called upon so to do. The objection of Captain Robison, as to the Court having refused to erase questions and answers, objected to by him from the minutes, was not better founded than the others: the Court had undoubtedly the power to allow such questions and answers

to remain, though they might not be strictly evidence, for they were aware, that the whole case would be revised before a final decision. One of the great errors of Captain Robison in conducting his defence, which he did with much ability, was, that he thought he had a right to repel charges made against him by recriminating on General Darling. A great part of his statements were made up of such charges, in which he also introduced charges made by some of the veterans. The Court had properly refused to record matter of a recriminatory nature, and tending to inculpate absent parties. The Court-martial found, that the letter written by Captain Strutt was not liable to the construction placed on it by Captain Robison, and that the latter had acted in violation of all confidence and every principle of gentlemanly feeling in the matter. Without reference to the charge of exciting the veterans to mutiny, the finding of the Court-martial, which decided, that Captain Robison had acted in a manner so gross and scandalous as to be utterly unbecoming the character of an officer—that finding could not be impugned, and left no alternative but the dismissal of the party. Such being the case, there was no pretence for saying, that the dismissal of Captain Robison was an act of cruelty or injustice. The members of the Court-martial were undeserving of the censure attempted to be cast upon them: they had acted honourably, and in the strict discharge of their duty. In conclusion, the right hon. Member expressed his intention to resist the Motion.

Sir *Francis Vincent* considered, that the question was not so much what was the conduct of Captain Robison, as whether there were *prima facie* reasons for consenting to the returns moved for. The conduct, therefore, of the Court-martial, was chiefly to be considered; and, for his own part, though he did not accuse the members of it of gross misconduct, still he thought their proceedings, on the showing of the right hon. Gentleman himself, highly irregular. Besides, Captain Robison was found guilty on the evidence of Lieutenant Sweeney, which evidence had been severely censured by the Court.

Sir *Henry Hardinge* said, he knew neither of the parties, and only interfered from a sense of duty. He thought, that it was extremely prejudicial, that when Courts-martial had acted in a proper manner, that House should be converted into a Court of Appeal. It was also to be deprecated, that inferior should be allowed to censure superior officers, through the medium of petitions widely circulated. He admitted the imprudence of Captain Strutt's letter; but, like the members of the Court-martial, he thought that the letter was written with a good intention. The conduct of Lieutenant Sweeney had been very improper, and it was impossible for General Darling to act otherwise than he had done, under the circumstances in which he had been placed. How could it be said, that he had tampered with the witnesses, when the minutes of the Court-martial were in existence, to show that he had not done so. There was another charge, viz.—that a witness had been rewarded who had given evidence which tended materially to damage the prisoner. Now, he was Secretary at War at the time of the transaction in question. The witness Budd, had at that time been discharged, and had been allowed an allotment of land as an invalid, along with many other invalids; and this was what was construed into a proof of undue tampering with a witness. Reflections had also been cast upon the President of the Court-martial, Colonel Lindsay, an officer of the highest honour and integrity, of forty years' standing. The petitioner had also said, that the minutes were garbled in order to prejudice his cause. Was it likely, that officers like those who constituted the Court-martial, would do so? It was surprising to him, that Captain Robison, who had been for thirty years in the army, could possibly entertain such an opinion of the officers who composed it. Great inconveniences would, in his opinion, arise, if the House of Commons were to convert itself into a Court of Appeal from Courts-martial. No case had yet occurred in which the sentence of a Court-martial had been dealt with in the manner now proposed. He should, therefore, vote against the Motion.

Major *Beauclerk* said, he regretted the opinions which had been announced by his Majesty's Ministers. If the minutes were refused, in his (Major Beauclerk's) opinion, there would be a case of gross injustice. He did not mean to say, that the members of the Court-martial had not done their duty; but, in his opinion, it was the duty of that House to call for the minutes of their proceedings. It was no

argument to say, that such a course had not been pursued for a hundred years. It was the duty of that House to throw the shield of its protection over the army; and the longer that protection had been delayed, the sooner should it now be conceded.

Sir *Rufane Donkin* denied the possibility of a Court-martial being tampered with: he appealed with confidence to every military man in the House, to confirm that statement. After detailing the services of General Darling, the hon. Member pronounced a eulogium on the character of that officer, which he declared to be wholly above suspicion.

Mr. *Aglionby* observed, that Captain Robison had been convicted of misconduct with respect to the letter, solely on the evidence of Lieutenant Sweeney, which testimony was of an equivocal nature.

Sir *J. Scarlett* considered, that the course which had been pursued by the Court-martial, in respect to the evidence of Lieutenant Sweeney and the letter, had been correct. In his opinion, there was no just ground for calling for the minutes of the Court-martial. The petitioner had been misled, and his statements, brought forward at the end of five years, had been completely refuted. The proceedings of the Court had, in fact, been revised by two Judge Advocates General; and, if the House were ready to listen to such complaints, men of honour would not be very willing to sit on Courts.

Mr. *O'Connell* said, that the House would do an act of injustice if it did not call for the minutes. He denied the dangerous doctrine laid down by the right hon. Gentleman (Mr. Grant), that calling for the minutes of a Court-martial was a reflection upon the members. The evidence of Lieutenant Sweeney and the letter, contradicting each other, had both been received by the Court-martial, which, he contended, was not correct. Lieutenant Sweeney was admitted to have prevaricated, and of what value was the testimony of a prevaricator? He was the sole witness in the case. Being convicted on the evidence of a prevaricator, Captain Robison had a claim upon the House, and was entitled to call for the minutes of the Court-martial.

Sir *Harry Verney* was bound, though he did it with reluctance, to condemn the conduct of Captain Robison. General Darling was an honourable and high-minded man, and, he believed, could not be guilty of many of the things of which he had been accused by Captain Robison.

Sir *Edward Kerrison* said, that, notwithstanding the opinions of the hon. and learned member for Dublin, British officers were equal to the proper discharge of their duties on Courts-martial. Those officers acted upon their oaths, and he would venture to assert, that no nine officers in the British army would be found capable of being intimidated from a proper discharge of their duty. He had himself been a long time in the service, and he had never known any instance of the kind. He would say, too, that he had long known General Darling, and had always known him as an honourable and upright man. The hon. member for Dublin might enter as he pleased into the more minute points of the law; with these he did not pretend to be acquainted; but he would say, that the officers of the British army carried about them as much common sense and understanding as any lawyer.

Mr. *Hume* protested against the character of General Darling being brought forward to prevent an act of justice being done to an individual. The character of Captain Robison stood as fair as that of General Darling, and perhaps purer, in the present matter. No Court-martial in any colony had been regarded as more oppressive than the one in question.

Colonel *Evans* observed, that there was great difference of opinion in the House on this subject. It was quite as essential to the honour and character of General Darling and the Court, in his opinion, as to Captain Robison's, that the minutes should be produced. If ever the production of such records was necessary, it was necessary in this case.

Dr. Lushington replied.

The House divided: Ayes 42; Noes 73 —Majority 31.

List of the NOES.

ENGLAND.

Althorp, Viscount
Baring, F. T.
Bentinck, Lord G.
Blake, Sir F.
Bolling, W.
Bouverie, Captain
Bulteel, J. C.
Byng, Sir J.
Calcraft, J.
Campbell, Sir J.
Cockerell, Sir C.
Davies, Colonel
Duncannon, Visct.
Ellice, Right Hon. E.
Foley, J. H. H.
Forster, C.
Gaskell, J. M.
Gladstone, W. E.
Graham, Rt. Hon. Sir J.
Grey, Hon. Colonel
Gronow, Capt. R. H.

Hall, B.
Halse, J.
Hardinge, Rt.Hn.SirH.
Henniker, Lord
Horne, Sir W.
Irton, J.
Jerningham, Hn. H.
Kerrison, Sir E.
Knatchbull, Sir E.
Lennox, Lord G.
Lowther, Viscount
Lumley, Viscount
Maberley, Colonel
Martin, J.
Molyneux, Lord
Moreton, Hon. A. H.
Neeld, J.
Paget, F.
Palmerston, Viscount
Peter, W.
Poyntz, W. S.
Rolfe, R. M.
Scarlett, Sir J.
Stanley, Rt. Hn. E. G.
Stanley, E.
Stuart, C.
Throckmorton, R. G.
Troubridge, Sir E. T.
Tyrell, C.
Verney, Sir H.
Vyvyan, Sir R.
Ward, H. G.
Wilmot, Sir J. E.
Wood, C.

SCOTLAND.

Arbuthnot, General
Bruce, C. L.
Dunlop, Captain J.
Elliott, Captain G.
Fleming, Admiral
Gordon, Captain W.
Hay, Sir J.
Hay, Colonel A. L.
Johnston, A.
Mackenzie, J. A. S.
Pringle, R.
Wemyss, Captain J.

IRELAND.

Cole, Lord A.
Daly, J.
Howard, R.
Macnamara, Major
Stawell, Colonel

TELLERS.

Donkin, Sir R.
Grant, Right Hon. R.

List of the AYES.

ENGLAND.

Aglionby, H. A.
Beauclerk, Major
Brodie, W. B.
Brotherton, J.
Bulwer, E. L.
Bulwer, H. L.
Chichester, J. P. B.
Collier, J.
Curteis, Captain E. B.
Evans, Colonel
Faithfull, G.
Gully, J.
Halcomb, J.
Harvey, D. W.
Heathcote, J. J.
Hughes, H.
Hume, J.
Lamont, Captain
Leech, J.
Lloyd, J. H.
Pease, J.
Pryme, G.
Tennyson, Rt. Hon. C.

SCOTLAND.

Gillon, W. D.
Murray, J. A.
Oswald, R. A.
Wallace, R.

IRELAND.

Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connor, F.
O'Dwyer, A. C.
Perceval, Colonel
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Sullivan, R.
Verner, Colonel W.
Vigors, N. A.
Wallace, T.

TELLERS.

Lushington, Dr.
Vincent, Sir F.

CALTHORPE-STREET AFFRAY.] Lord *Althorp* rose to move for the appointment of a Select Committee, to inquire into the conduct of the Police on the occasion of the meeting in Coldbath-fields. He observed, that the verdict of the Jury on the Coroner's Inquest, and the decision of the Jury on the subsequent trial at the Old Bailey, rendered this course desirable. The meeting in question was clearly assembled for an illegal object, and did not become illegal in consequence of tumult. The police, consequently, were instructed to prevent the assembling of the meeting, but were ordered to use no violence in the discharge of that duty, except it were necessary for the arrest of any persons who might take a lead in the proceedings. But they were assailed on their appearance; they were pelted with stones before they exercised any violence whatever towards the assembly. It was possible that, under these circumstances, some of the body might have behaved with more violence than the occasion required; he believed, however, that, upon inquiry, it would turn out, that they did, as a body, conduct themselves conformably to the instructions they received, and did not use any violence until attacked. He believed, that the Jury, by their verdict on the late trial, did not wish to cast any blame upon the police, but came to the decision they did solely because the identity of the person charged was not clearly proved. This he would also add, that as far as the Government had made inquiries into the subject, they had come to the conclusion, that the police were not materially to blame in the proceedings in question. But for the reason he had stated, he should move, that "a Select Committee be appointed to inquire into the conduct of the Metropolitan Police, on the 13th of May last, in dispersing a public meeting in Coldbath-fields."

Sir *H. Hardinge* asked, whether the instructions which were given to the police would come under the investigation of the Select Committee.

Lord *Althorp* said, that the instructions under which the police acted must certainly be brought before the Committee.

Motion agreed to.

HOUSE OF LORDS,
Friday, July 12, 1833.

MINUTES.] Petitions presented. By the Marquess of CAMDEN, from the Clergy of Canterbury; by the Bishop of LINCOLN, from the Clergy of Buckingham, and other Places; and by the Bishop of BRISTOL, from the Clergy of Ossory,—against the Irish Church Temporalities Bill. —By the Duke of RUTLAND, from Scarborough, in favour of the Sea Apprenticeship Bill.

LAW REFORMS.] The *Lord Chancellor* said, it would be recollected, that, in consequence of a bill which he had introduced in the last Session of Parliament, a great number of sinecure places connected with various Courts had been done

away with. The annual expense of those places had been 17,600*l*. Some of these offices had become vacant, and others would, on and after the 15th of August, cease to exist. It would be necessary that some provision should be made for the individuals now holding those situations; that, however, would require a money bill, and must, therefore, be introduced in the other House. In consequence of the decision of their Lordships with respect to the Local Jurisdiction Bill on Tuesday last—a decision which he greatly regretted on every ground, public and private—it was no longer necessary for him to delay bringing in one or two important measures which would not have been called for if the Bill to which he alluded had been carried. He should now state what those measures were. Their Lordships would recollect, that an Ecclesiastical Commission, formed of the Judges of the Ecclesiastical Courts, a most able and learned body of men, had been appointed to inquire into the constitution of these Courts: that Commission had reported about a year ago; and, according to the recommendations of the Commissioners, he had some time ago framed several bills. He had not brought them forward at an earlier period, because he was anxious, in the first instance, to see what progress would be made in the Local Courts' Bill. The recommendation of the Commissioners had been adopted in one most essential point—namely, in abolishing a number of minor ecclesiastical Courts. A vast number of Courts of that description, not less, he believed, than 340—were scattered over different parts of the country, several of them having a jurisdiction over a large, and some over a small, district. In several instances the jurisdiction extended over only a single parish or two. That being the case, the House would see the expediency of attending to the recommendation of the commissioners, which was, to transfer the jurisdiction of those Courts—the Bishops' Peculiar Courts—to the Diocesan Courts. He knew this change would be attended with some inconvenience, inasmuch as it would be necessary to do certain acts at a distance from the homes of the parties concerned; but that could not be avoided. If, however, the Local Courts' Bill had passed, no such difficulty would have existed. On the recommendation of the Commissioners, no less than nine bills were originally founded. It had, however, been thought better that the whole of those bills should be consolidated into one measure. Now that the Local Courts Bill had failed in its progress through that House, he would not say a single word on the subject of its provisions, but he would briefly state the objects of the Bill he was then about to submit to their consideration. In the first place, the Bill abolished the Bishops' Peculiar Courts, and made other changes of equal importance. According to the recommendation of the Commissioners, it deprived the Ecclesiastical Courts of all criminal jurisdiction, and declared, that offences of a criminal nature should, in future, be treated as misdemeanors, punishable by indictment. It regulated the powers of sequestration in the manner suggested by the Commissioners. The defects of the ecclesiastical jurisdiction exercised by the heads of the Church over clerks who misconducted themselves had long been complained of. It was only necessary for him, in stating that fact, to allude to one or two cases, which must be fresh in their Lordships' remembrance, which had travelled through the whole of those Courts, and even up to that House. To obviate the recurrence of such an evil, provision was made in the Bill, conformably with the recommendation of the Commissioners. Various most important regulations with respect to the choice of churchwardens were also adopted in the Bill. He had not considered this part of the subject very minutely, and therefore had not completely made up his mind with respect to it; but as the recommendation came from such very high authority, it was worthy of the serious attention of their Lordships. Provision was also made in the Bill for the amendment of the law relating to the dilapidation and waste of Church property. Perhaps, however, the most important provision contained in the Bill was that which amended the law concerning the proof of wills with respect to real as well as personal property. It gave him great satisfaction, although he deeply regretted the loss of the measure to which he had already alluded, that there was no longer any reason for delaying the introduction of the present Bill. The noble and learned Lord concluded by moving, "That the Bill be read a first time."

Bill read a first time.

INSOLVENT DEBTORS' COURT.] The *Lord Chancellor* said, he had next to bring forward another Bill, which had been suspended in the hope, that the Legislature would adopt a salutary measure that had been introduced to the other House by a learned friend of his. A year ago, he had expressed a wish, that a concurrent jurisdiction should be given to the Bankruptcy Court in cases of insolvency. It had been supposed, when the Court of Review was first established, that it would be greatly overworked, whereas the fact was, that it was under-worked, and the Judges had much time upon their hands. Now, it would be found extremely beneficial if that time was devoted to the disposal of insolvency cases. Complaints had been made, that, during the long vacation, a period of six weeks, unfortunate persons confined for debt were precluded from obtaining their liberty. Though the Commissioners went the circuit three times a-year, their labours were confined to England, and it was desirable that they should proceed to Wales. The present Bill would provide for both these points. So long as there was a chance of the Local Jurisdiction Bill being passed, he did not feel any desire to interfere with the system, because that Bill would effect every object which this Bill had in view. But that measure having been lost, he thought it was necessary to propose the present Bill, which would give concurrent jurisdiction in cases of insolvency to two puisne Judges of the Court of Review. He hoped that this measure would be only a temporary one, because there was a Bill brought into the other House of Parliament by the Solicitor-General, which he hoped would be carried, and which would render this measure unnecessary. As, however, this Bill was at present suspended, he thought it fit to propose this measure.

Bill read a first time.

CHANCERY—COURT OF APPEAL.] The *Lord Chancellor* said, he held in his hand another Bill which he was about to recommend to the adoption of their Lordships. In the course of the last Session of Parliament, on introducing a particular measure upon the subject of Chancery regulations, he detailed the outline of a Bill upon the same subject as that to which he was now about to call the attention of the House—he meant to a Bill for establishing a Court of Appeal in the Court of Chancery for the suitors in Equity, whether in that Court, or the Court of Exchequer. He proposed, that the Lord Chancellor and an Equity Baron should be two of the Judges constituting that Court of Appeal. The present Lord Chief Baron, it was highly desirable should continue in that Court, in order that his undivided attention might be given to the duties which he performed so well. That noble and learned Lord was not now present; but, whether present or absent, he (the Lord Chancellor) should always consider him as having executed the duties of a Judge in that Court to the entire satisfaction of its suitors. The Lord Chancellor and an Equity Baron would form a part of the Court of Appeal; it was proposed to join with them the Master of the Rolls and the Vice Chancellor. These Judges would thus constitute a Court of Appeal, to sit at all convenient times to be appointed; so that, instead of there being only an appeal from one Judge to one Judge, as was now the case, and after an appeal from the decision of the same person in one Court to the same individual in another, there would be, as in common sense ought to be the case, an appeal from the decision of one Judge to three or four Judges. With respect to the appointment of the fifth Judge, which the Bill contemplated, he was to preside in the Court of Chancery, and be the Chief Judge in Equity. By this appointment would be reserved to the Lord Chancellor his political functions, his Ministerial functions, and, above all, his functions as a Judge of Appeal, from the Court of Chancery to the House of Lords; also his functions as a Judge to sit in Privy Council, and also his judicial functions in the Appeal Court of Chancery, as often as he was required to sit in that Appeal Court. It was proposed, moreover, that the Lord Chancellor should still continue his jurisdiction in all cases of lunacy, for various reasons not necessary now to be stated. It was highly expedient that this responsible office should not be burthened with the ordinary jurisdiction which he now possessed, but that it should be transferred to the other Judge of the Court of Chancery, whose appointment was embraced in the Bill. Notwithstanding the removal from the Lord Chancellor of the ordinary jurisdiction, his duties would be ample; his

time would be fully occupied with the jurisdictions left to him. He proposed, that the salary of the Lord Chancellor should be 8,000*l.* per annum. He had stated last year, that 10,000*l.* a-year would be an ample sum; but considering the alteration which had been made in the salaries of the Puisne Judges, considering also the reduction of the salary of the Lord Chief Justice of the King's Bench from 10,000*l.* to 8,000*l.*, he thought 8,000*l.* a sufficient sum for the Lord Chancellor. With respect to the Judge to be appointed, he proposed a sum of 7,000*l.* a-year. He also proposed another alteration in the salary of the Master of the Rolls, on the death or resignation of his Honour the present Master of the Rolls. It was proposed that the salary of that Judge, on the event named taking place, should be reduced to the same amount as the salary given to the Vice-Chancellor, there being no reason on earth why the Master of the Rolls should receive more for the performance of his duties than the Vice-Chancellor. In the course of the last Session he (the Lord Chancellor) had stated, when the emoluments of the Lord Chancellor were stated to be 14,000*l.* a-year, that 10,000*l.* per annum, as he had already remarked, was more than sufficient, even when there was no diminution of duties, which the present Bill pointed out; and now that these duties were diminished, he considered the sum of 8,000*l.* a-year ample remuneration.

Lord *Ellenborough* reminded their Lordships, that the incomes of Barristers were much larger at present than formerly, and that they should therefore be careful how they reduced the salaries of the Judges. He thought, that no measure could be more fatal than one which would deprive the country of the services of the first men in the profession. The loss of such men was not to be estimated in money. He hoped that the Government would give the subject much consideration before they passed such a measure.

The *Lord Chancellor* admitted the necessity of consideration, still he thought that a difference was to be drawn between the salary given to a Judge who was removable at pleasure, and a Judge who could not be removed. A Judge who was removable, if he did not perform his duty, might be removed. But it was of consequence that those Judges who were irremovable should have an adequate salary, for, if once appointed, he could not be removed; but it was different with the Keeper of the Great Seal. They ought to observe a medium between under paying and over paying the Judges.

Bill read a first time.

HOUSE OF COMMONS,
Friday, July 12, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. POULETT THOMSON, an Account of the present and prospective Amount of Saving effected in the Navy Pay Office in the Salaries of Officers and Clerks.—On the Motion of Mr. O'DWYER, an Account of the Income and Expenditure, with other Particulars, of the Corporation of Drogheda.—On the Motion of Mr. SULLIVAN, a Copy of the Report of Mr. Griffith, a Government Engineer, respecting an Intended Line of Canal between Kilkenny and Inistioge, and a Copy of any Correspondence with the Irish Government on the subject.—On the Motion of Mr. HOWARD, the Names of Persons Assessed for the first time to the House Duty in 1832, and of Persons discharged on Appeal by Commissioners for the Township of Whitehaven and Preston Quarter.—On the Motion of Mr. SPRING RICE, an Account of the Establishments of the Public Departments, and Offices, in 1821 and 1832, respectively, showing the Reductions made, and those intended to be made.—On the Motion of Mr. E. RUTHVEN, the Amount of Pipe-Water Tax levied in Dublin, during the last seven years.

Petitions presented. By Mr. BOLLING, from Bolton, in favour of the Rating of Tenements Bill.—By Mr. O'CONNELL, from St. Nicholas (Galway), against the Oppressive Conduct of the Corporation; from Dublin, against the Kingstown and Dublin Ship Canal.—By Mr. HODGES, from Benenden, against the Malt Tax and Tithes.—By Sir EDWARD KNATCHBULL, from Ramsgate, against the Notaries Public Bill.—By Mr. WILBRAHAM, from Chester, against the Monopoly of the East-India Company with regard to the Manufacture and Exportation of Salt in India.

EAST INDIA COMPANY'S CHARTER.] Mr. Charles Grant moved the Order of the Day for the House to resolve itself into a Committee on the East-India Company's Charter Renewal Bill.

Mr. *Ewart*, before the Speaker left the Chair, would move, that the Committee should be instructed to consider the propriety of admitting East-India sugar and coffee (the produce of free labour) into this country, on equal terms with the produce of the slave labour of the West Indies; and to consider the propriety of giving facilities to the admission of sugar and coffee generally, the produce of free labour.

Mr. *Wilbraham* said, he had also to move an instruction to the Committee, relating to the monopoly of salt in India, and its effect on the commerce of this country.

The *Speaker* said, that according to the present regulations of the House, they could not move those instructions at the morning sitting, as it would be investing themselves with a greater power than they

at present possessed, which was to proceed with the measure which had been sanctioned already by the House.

Mr. *Hume* suggested the postponement of these points to some other more fitting period, for instance, when the General Customs' Bill should be under consideration.

Mr. *Wilbraham* did not wish to take up the time of the House; but he hoped the right hon. Gentleman (Mr. Grant) would assure him of an opportunity of bringing forward his Motion at some other stage of the measure.

Mr. *Charles Grant* observed, that entertaining any of these three Motions would be entering on the general principle of the revenue of India. He would, however, in answer to the observations of the hon. Members, say, that the subject of the opium and salt monopolies in India were under the serious consideration of the Government. Any discussion which should be originated on the present occasion was but delaying the progress of the Bill. If any hon. Gentlemen wished to enter into a discussion on the revenue of India, let them appoint a day for that purpose, and he should be most happy to meet them and give them every information on the subject; or if the hon. Member were disposed, he could move his Amendment when the Committee arrived at the fourth clause of the Bill. He thought, however, it would be inconvenient to occupy the time of the House now with the subject.

Mr. *C. W. Wynn* said, the monopoly of salt affected the future government of India as much as any other matter in the plan proposed for the renewal of the Company's Charter by his Majesty's Government. The instructions he thought could be moved now, for the House had always exercised the right of giving mandatory instructions to a Committee.

The House went into Committee. On the Question, that the Preamble be postponed,

Sir *Robert Inglis* expressed his satisfaction, that his right hon. friend opposite and his Majesty's Ministers had preserved so much of the mode of government and detail of management with reference to one of the largest civilized empires in the world. The Bill bore sufficient evidence, that his Majesty's Government was satisfied with the merit of the system pursued by the East-India Company. He also declared his satisfaction with the whole progress of the correspondence between the Government and the East-India Company, and that it had led to such modifications as appeared reasonable to both parties. There was, however, one point omitted in the Bill, to which he would take leave to direct the attention of the House. The Government had provided, that there should be a Commission established to superintend the law; but there was no Commission provided to procure the abolition of slavery. Such a provision was, however, essential; but in dealing with it he would entreat hon. Members to bear in mind, that there were no two things in the world more different from each other than East-Indian and West Indian-slavery. In rising in this first instance to address the Committee, he felt it his duty to say, that he should have occasion, in the course of the consideration of the Bill, to claim the indulgence of the Committee very frequently.

Mr. *Charles Grant* suggested, that it would be better to defer the discussion of the point referred to by the hon. Gentleman until the clause upon which his recommendation might be moved came under the consideration of the House.

Preamble postponed.

On the question, that the blank in the first clause be filled up with the words one thousand eight hundred and fifty-four, renewing the Charter till that period,

Mr. *Hume* rose to object to the extension of the East India-Company's Charter to the year 1854. He thought, twenty years too long a period to consign the government of India into the hands of the East-India Company. In his opinion, public interest required, that some break should take place in that period; and the House should, as in the case of the Bank Charter, say, that at the end of ten years it should be open to the Government, if the public interest required it, to recall the Charter; it being impossible to say what events, political or commercial, might take place requiring the adoption of such a step. The question was whether they should bind themselves and their successors for twenty years to the present arrangement let what would happen. Circumstances might take place in India, in the mean time, to render a modification of the government in that country necessary. Should this not turn out to be the case, there was no reason to believe, that Government would make any alteration

at the time of the break. He thought the period of ten years a very fair trial, as the public in that time would have a very fair opportunity of seeing how far the management of the East-India Company was consistent with the public good, and it would have the effect of putting the Company upon the spur to act in the best manner they possibly could. He should, therefore, move, that the words, "30th April, 1844," be substituted for the "30th April, 1854."

Mr. *Charles Grant* said, there was no expression in the Bill which could fetter the power of Parliament to interfere, excepting as to the point which the hon. Gentleman had just alluded to. It was agreed on all hands that some term ought to be given; the question, therefore, was, what term ought to be allowed? He thought ten years too limited a term, because he agreed with the hon. Member, that much good ought to be expected, and he trusted and believed that much benefit would result from this measure; but he also believed, that the effective way to ensure the most beneficial results would be the security and stability given by the present plan to the Court of Directors. Where men had nothing to look to beyond a certain short period, they naturally became careless; but the consciousness of power and stability gave the Company a direct interest to govern India wisely. Another reason he would urge in favour of the Bill as it now stood was, the result it must have on the revenue of India. The India Company were now so intimately connected with the revenues of the country, by means of this Bill—they took upon themselves such an onus in taking upon them the management of the income, that it was obviously their own particular interest to do everything for the best in their future administration of the affairs of India. If they had, on the contrary, only a temporary term of the government of the country—say ten years, for instance—they would naturally enough feel no such inducement to a development of its resources as was now absolutely incumbent on them, for their own sakes, to feel and force onward. These were his principal reasons for supporting the present measure, and designing to give this longer time to the Company. A difference of opinion might exist as to the particular term of years—whether it should be fifteen or twenty—but he certainly was of opinion that ten years was much too short a term, and he therefore should decidedly object to the Amendment.

Mr. *Hume* wanted merely to put the question of the renewal of the East-India Company's Charter on a footing similar to that of the Bank of England Charter. He had no objection to fix the term of the Company's government of India at twenty years; but he wished an intermediate period should be fixed—say ten years, as in the Bank Charter, when it would be optional with Parliament to re-consider the Charter, and amend, or abrogate, or continue, as they chose. He thought it a principle which ought to be particularly recognized, that great questions, such as the present, should be reviewed by the House every ten years at the least. If the right hon. Gentleman would consent to adopt and embody this suggestion, he would withdraw his Amendment.

Mr. *Charles Grant* could not consent to sanction any such proposal, after the arrangement entered into between his Majesty's Government and the East-India Company, on which this present system was based. They had begun with conciliation and concession—the system was founded on a compromise with the Company—therefore, it should be persevered in as it had been begun. The real question before the House in the hon. member for Middlesex's Motion was, whether by sacrificing a little time they were not gaining the cordial co-operation of the East-India Company? And whether, for the sake of the country and the people of India, such a sacrifice was not to be considered necessary and advisable?

Mr. *Buckingham* said, that the question of a compromise with the East-India Company, was one which the Government, as a Government, might reasonably entertain; but it was a question on which Parliament had to decide for themselves—and follow the dictates of their own feelings on the subject. With respect to the continuation of the government of India in the hands of the Company, he would say, that if Parliament granted it to them for that period, they would be granting them a longer term of existence than they possessed themselves. He should advocate the restriction of the term to even a lesser period than that of ten years, if possible. It could be renewed if the government of the Company were found beneficial to the

country; but if it were not, then it would be exceedingly hard indeed, if the country could not be relieved from the consequence of their misrule.

Mr. *Cutlar Fergusson* said, that the hon. member for Sheffield had no occasion to tell the Committee that the whole question was open to discussion. If any hon. Member thought, that the terms made with the Company, were not such as the public had a right to expect, it was certainly open to him to oppose them. The hon. Member spoke of handing over India to the government of the Court of Directors. But the fact was, that the Board of Control and his Majesty's Ministers, were responsible for the government of that country, as well as the Board of Directors of the East-India Company. It was the duty of the House, in making a great change in the government of India, to take care that the people of that country should have confidence in the stability of the government under which they were to be placed. But if the Charter were to be renewed every ten years, which, in fact, would limit the office of the Directors to little more than seven years, there could be no confidence in the stability of their measures. The Company, with every facility for carrying on the trade with China, had given that up for the advantage of the public, and they ought certainly to be enabled to look with confidence to the management of the territorial revenue, and to the permanence and stability of the Government. He trusted, therefore, that the Committee would have no hesitation in agreeing to the Clause, as it originally stood.

Mr. *Wynn* did not at all approve of the proposed arrangement. He thought it advisable, instead of limiting any particular period of ten or twenty years, that no term should be assigned, but that each party should have power to determine the agreement, on giving to the other a particular notice. The subject was one of immense importance, and involved the interests, not only of the commerce of this country, but also of millions of the inhabitants of India; and it was very material that the attention of the House should be recalled to it in a much shorter period than twenty years. Should they now vest the power of Government for a period of twenty years, it would be impossible for Parliament to terminate the arrangement before the expiration of that long term, unless there was so gross an act committed by the Company as would justify the Attorney General in issuing a *scire facias*. It was the duty of Parliament to take care that the public interests did not suffer, as he was sure they would by granting to the Company the long period of twenty years. If his proposal to fix no specific period, but allow each party a due notice to terminate the arrangement, were not agreed to, he should certainly vote for the shorter period of ten rather than twenty years.

Mr. *Whitmore* entirely concurred in what had been said by the hon. member for Sheffield, and he could not hesitate to vote for the Amendment. It was most desirable that the Board of Control should have the power of taking the administration of India at the end of ten years out of the hands of the Directors, if they should have mismanaged the trust. He could not think that the effect of that Charter could be to encourage the Directors in a profuse expenditure, for assuredly, if they should be lavish, the Board of Control would not continue them in the government of India. He did not see how the limitation was to be considered arbitrary. It was to be remembered that we were now making an experiment. We were giving the government of India to a body which was confessedly anomalous for the purposes of Government. It would be most unwise to tie up our hands for too long a period.

Mr. *Macaulay* said, the term of twenty years was originally the proposition, not of the Government, but of the Company. He agreed that the House had the power to revise any arrangement which the Government made; but he did not see why it should be treated as a nullity; on the contrary, he thought strong reasons should be required, before they set aside any part of an arrangement founded on a negotiation of which they generally approved. It was suggested to him, that the best criterion by which to know whether a country was well or ill governed, was the state of its finances—certainly, that was so. Now, if the government of India was so bad as to throw its finances into confusion, so that they should require to apply to Parliament, then that would let in the whole question in the same manner as was done in 1773 and in 1784.

Mr. *Marjoribanks* did not wish to see India made the scene of an experimental Government. The great promoter of prosperity was stability, which the Amendment would entirely do away with.

Mr. *Lyall*, speaking disinterestedly (for he trusted that the House would believe that his being a Director would not influence him in his opinion as a Member of Parliament,) would recommend to the Proprietors not to assign over the whole of their assets without having the government of India secured to them for a considerable term of years. He could assure the House, that not one of the Directors wished to retain his seat for a single hour, after it was found that they did not benefit both the people of India and England. One strong argument, however, in favour of the longer term would be, the very great fluctuation in the value of the stock which would be consequent upon the frequent discussion of the question, by which many might be ruined who depended upon their stock.

Sir *Matthew White Ridley* would support the Clause as it stood. When the House passed even a Turnpike Bill, in order to give a feeling of certainty, it fixed the term of twenty-one years, and surely, in a question of such magnitude, they would not depart from such a wise rule.

Mr. *George Young* said, the House was placed in an embarrassing situation by the turn the debate had taken, and the declaration of the right hon. Gentleman (Mr. Grant), that the House should bear in mind that this was a compromise, although they had been before told, that the delegation of the government of India to the Company for twenty years, was done upon principle only, and not upon any compromise. He, for one, was wholly at a loss to conceive, as the Company had lost their trading powers, what interest they could possibly have in retaining the government of the country. As to whether the period of the Charter should be ten or twenty years, it could not be argued that the greater period would better ensure the payment of the dividends than if it were for only ten years. The payment of the dividends would be ensured in either case; besides, as the debt was not wholly redeemable until 1870, the Charter would fall far short of that period if it were to be granted for twenty years. He should support the Amendment.

Mr. *Charles Grant* said, he had been misunderstood. What he meant by compromise was, that, as Government might be suspected of taking too much or giving too much, the measure had been founded on conciliatory terms.

Sir *Robert Inglis* said, the question was, how could the Government of India be best conducted, with regard to the interests of that country, as well as of England? As to the period, and whether it should be ten or twenty years, he should prefer the latter, because, if it were for ten years, it would be virtually only seven years, as the last two or three years would be occupied in discussing and agitating the question of renewing it; so if it were for twenty years, it would be virtually seventeen years.

Mr. *Wynn* added, that the whole political Government was vested in the Board of Control; and the Court of Directors could only be considered subordinate to that, and chiefly useful as affording a check upon his Majesty's Government. He could not subscribe to the perfection of the system that had hitherto prevailed in India; for he could not forget that the natives and half castes were excluded from all employment in situations where they could be more effective than Europeans, and at a much smaller cost. The principle of employing those persons he considered to be essential to the good government of India; and he could not applaud that system which had been founded on a violation of that principle.

Mr. *Robert Grant* protested against the notion, that the Company was to be considered a mere council-board to the King's Government. If he entertained that view, he would not continue the Company even ten years. It was, undoubtedly, intended to be the real governing power of India, and upon that principle he supported this measure. He would have been ready to have given the Company that power, without fixing any definite term at all; because he knew, that the most useful improvements were suspended from a consciousness that the period for reconsidering the whole system would arrive too soon to admit of the improvement being accomplished.

Mr. *Finch* supported the Amendment of the hon. member for Middlesex; he felt certain, that if the question was brought forward at the end of ten years, every thing required for the interest of the public would be taken into consideration, and the honour of Parliament would not be compromised by any unfair act being committed towards the East-India Company.

Mr. *Hume* observed, that it had been suggested to him that it would be better

to allow the clause to be filled up, and introduce his Amendment at the end of the clause. He should, therefore, at the conclusion of the Clause, propose an Amendment, to the effect that, at the termination of ten years, upon two years' notice, Parliament should be at liberty either to terminate the Company's Charter, or to take such steps to amend it as it might think proper.

The blanks in the Clause having been accordingly filled up, the hon. Member proposed his Amendment— "That at the end of ten years, Government should be at liberty to recall or amend the Charter, giving two years' notice thereof."

Mr. *Robert Gordon* opposed the Amendment, as calculated to give Parliament power of control over the Board of Directors, and depriving the latter of that feeling of power and reasonable stability, so essential in producing good government.

Mr. *Robinson* admitted it was true, that this Bill, in its present shape, gave the Directors the government of India for twenty years; but the Government would be subject to a species of control by Parliament, for Parliament would superintend the Board of Control. Parliament had the power at any time to repeal or alter any law made by the Governors-General in Council; annual reports also were to be made, which would enable the House constantly to have its eye on the proceedings of the Court of Directors; and without detaining the House further, he would merely say, that they ought not to let out of their hands the superintendence of the Board of Directors, on so important a question as the future good government of India.

Mr. *Buckingham* said, the addition to the clause would prevent it being possible to disturb the Charter in less than twelve years. Surely that term was long enough, if it should then be deemed advisable to terminate or to alter the Charter. As it would be most desirable to continue these morning sittings till they got through this Bill, he suggested the propriety of extending the meetings till six o'clock, and then retire for two hours to dinner.

Mr. *O'Connell* observed, that the Bill was now an anomaly. There was a trading Company which had lost its power to trade. It was obvious that the difficulties of the subject arose from the apprehended results of taking the Government of India from the Company, and transferring it to the Administration, which would be an immense increase of patronage; or of leaving it to the authorities and individuals in India. That the power of reconsideration might not be so long postponed, he should support the Amendment.

It being three o'clock, the Chairman reported progress. In the evening the House again went into Committee, and resumed the consideration of Mr. Hume's Amendment.

Mr. *O'Connell* said, the only object of the House in legislating on this subject should be, the welfare and happiness of our Hindoo subjects. This principle had been recognised by the Court of Proprietors as the only ground of their acceptance of what they appeared to treat as a burthen imposed on them. No valuable consideration was given. Under these circumstances, therefore, it was highly desirable that the House should have an opportunity, at the end of ten years—if they found the plan did not effect its object—of terminating the present arrangement on two years' notice.

Mr. *Cutlar Fergusson* said, that no reason had been given for this limitation. It was highly important that the Government of India should be assured to the Company for a sufficient term, because their dividends were to be paid out of the surplus of the territorial revenue—thus giving them the strongest interest in the good government of India. In considering the claim of the Company, the large property given up by them should not be left out of consideration.

Mr. *Ewart* thought it desirable that an arrangement of this kind should be terminable in as short a time as possible, should Parliament think it advisable.

Mr. *Hardy* said, he would support the opinions advanced by the hon. member for Middlesex upon this question, that of extending their Charter ten years, with power on the part of the Government to extend it two years further. Now it did not follow that it was necessarily to cease at either period; because, if the government of the East India Company went on well, and as it ought to do, there would be good ground for renewing the Charter. The Amendment therefore proposed no absolute restriction; but, as the present plan was an experiment, if it did not succeed, Parliament ought to have the power of stopping it. Ten years was neither too long nor too short a period of trial.

Lord *Sandon* opposed the Amendment, on the ground that it was impossible for the government of India, during the time proposed, to make those improvements in the arrangements of the revenue, and the government in general, which were necessary to give stability and consistency to the government of India.

Mr. *Hume* observed, that the argument of the noble Lord would justify their extending the duration of Parliament to fourteen or twenty years. The question was simply one of responsibility. If they wished to hold the Company responsible for the exercise of their sovereign power, they must limit the duration of the possession of that power to the shortest period consistent with its efficiency. Parliament ought to retain in its own hands the power of making any alteration in the government of India, and all the purposes of the measure would be answered, if the Company were to obtain the power of regulating the government of India, according to the system proposed, for ten years, subject to a notice of two years. At the same time he was anxious that it should be understood that he did not speak out of any hostility to the East-India Company.

The Committee divided on the Amendment—Ayes 26; Noes 77: Majority 51.

Clause agreed to.

List of the AYES.

Aglionby, H. A.	Maxwell, Sir J.
Bolling, W.	Potter, R.
Brotherton, J.	Richards, J.
Buckingham, J. S.	Tennyson, Rt. Hon.C.
Dillwyn, L. W.	Turner, W.
Ewart, W.	Vigors, N. A.
Faithfull, G.	Wallace, R.
Finch, G.	Warre, J. A.
Gaskell, D.	Whitmore, W. W.
Gillon, W. D.	Williams, Colonel
Hardy, J.	Wynn, Rt. Hn. C. W.
Irving, J.	Young, G. F.
James, W.	TELLER.
Lister, C.	Hume, J.

On the third Clause being put,

Mr. *Charles Marjoribanks* begged leave to call the attention of the Committee to the effect which the Resolution that deferred the opening of the China trade to British shipping till the 22nd of April, 1834, would have on British commerce. The effect of this would be, the throwing the whole China trade, for some five months, into the hands of foreigners, for the Company's vessels cleared out from China in the month of January. The Report on the China Trade Acts, which contained that Resolution, stood so low down on the Orders of the Day, that he feared it could not be brought in at an hour early enough for a full discussion; he therefore hoped the right hon. Gentleman (Mr. C. Grant) would bring it up at an early hour, if possible.

Clause agreed to.

The 4th Clause was postponed.

On Clause 6th being put,

Mr. *Charles Marjoribanks* took the opportunity of stating, that there was no branch of the Company's service more entitled to the Company's gratitude than its navy. It was the finest commercial navy ever known in the world. For the last thirty years there had not been an instance of a 1200 ton ship, on her return voyage, being lost.

Mr. *Hume* begged to observe, that if the Company's navy had been the finest in the world, it had also been the most expensive. He did not disparage the talent of the officers, for a more efficient set of men never set foot on ship-board; but the Company's naval service was too expensive.

Mr. *Cutlar Fergusson* said, that the Company by Act of Parliament, were compelled to equip their ships in a particular way in case of war.

Mr. *Charles Marjoribanks* doubted whether the Company's ships, upon the long run, were more expensive than other ships. They had been the means of saving a great deal of expense by affording that protection to trade, for which king's ships would otherwise be required. The hon. member for Middlesex could not surely forget, that a fleet of East Indiamen beat Admiral Linois.

Mr. *Clay* said, perhaps it might not be inappropriate for him to say a few words in reference to the distress which would be produced in particular districts of the metropolis, and among a particular class of the community of the naval establishment, if the Company were at once broken up. He was quite aware that there was very great difficulty in any Member of the House adverting to the propriety of the Company's continuing to trade, when the Company themselves seemed to have consented, as a part of their bargain with the Government, that their trade should be abandoned. But, as the mode in which the mercantile concerns of the Company were to be wound up, was still under con-

sideration, he hoped that some attention would be paid to the interests of that considerable portion of the community who, in the eastern suburbs of the metropolis, were dependent for subsistence upon the trading establishment of the Company. The prudent course would be to allow the Company to withdraw gradually from trade, instead of being compelled to give it up at once.

Mr. *Charles Grant* lamented, as sincerely as the hon. Member, the effect that must inevitably be produced upon a considerable portion of the community, in the vicinity of the Company's trading establishments. If it were possible to obviate this difficulty, he should be most happy to do so; the subject had been, and still was, under the serious consideration of his Majesty's Government. Aware, however, that no precaution could entirely avert the pressure that must, for a certain period, weigh upon particular classes in consequence of the transition of the trade from the Company to the general merchant, he hoped, that it would not be so ruinous as the hon. Gentleman expected. The hon. Gentleman wished the Company gradually to withdraw from trade. When the opportunity for discussing that question arrived, he should have no difficulty in proving that there was no option, and that the trade must be discontinued at once. If it were not a matter of necessity, one of the greatest benefits of the measure to the country at large would be, the complete cessation of the Company's trade at the expiration of their Charter. That cessation was of the greatest importance to the commerce of the country; and he should not have done his duty if he had not used every effort to induce the Company to abandon its trade. He hoped, notwithstanding the anticipation of some hon. Gentlemen, that it would be found that the advantages of throwing open the trade would compensate those who might suffer for a time during the transition.

Clause agreed to.

On the 17th Clause being read,

Mr. *Hume* said, that the government of India could never be properly administered while the members of the Board of Control continued subject to removal on every change in the Government of this country. He suggested the propriety of making the appointment of a certain number of the Commissioners permanent.

Mr. *Wynn* thought, that the appointment of a Vice President, not liable to removal on a change in the Administration, and bound to constant attendance to the business of the Board, would be productive of great advantage.

Sir *Robert Inglis* read an extract from the evidence given before the East-India Committee by the right hon. Mr. Courtenay, in support of the propriety of some members of the Board being permanent.

Mr. *Charles Grant* observed, that the course which had been recommended by the hon. member for Middlesex, was one that could not be so easily settled as he seemed to imagine. The hon. Member desired that the majority of the Commissioners of the Board of Control should be permanently members of that Board. There would be this inconvenience attending such an arrangement, that as the Chief Commissioner must be changed with every Ministry, he might, on coming into office, find himself surrounded by men whose opinions differed from his own. He thought besides, that even if that objection did not exist, too much importance was attached to the matter, for all the routine business of the Board, everything that depended on official experience alone, might be safely intrusted to the subordinate officers of the Board, who were very well capable of discharging their duties. The officers of the Board of Control deserved this compliment from him, and he was happy to have this opportunity of paying it.

Mr. *Charles Wynn* was happy to be able to add his testimony to that of his right hon. friend, as to the great efficiency of the officers of the Board of Control, and certainly, so far as they were concerned, the permanency of the members of that Board was useless.

Mr. *Robert Grant* observed, that if the members of the Board were permanent, and the chief of it were not, he might often be subjected to the inconvenience of finding himself out-voted on the business of his department.

Clause agreed to.

On the 24th Clause, giving the right to proprietors to vote by attorney,

Mr. *Charles Wynn* said, he much wished to know what were the grounds of this clause, and what would be the effect of it?

Mr. *Charles Grant* said, that the reason

for introducing the clause was, that the constituency by which the Directors were now elected, was very limited, so that the voters were completely under the control of the existing Directors. The effect of the measure would be to extend that constituency, and it was but fair that those who happened to reside at a distance from London, and whose ill health, or advanced age, might prevent them from coming to London, should be allowed a voice in the choice of the men by whom their affairs were to be managed.

Mr. *Cutlar Fergusson* admitted the hardship of proprietors having to come such a distance as from Scotland to London to vote in the election of Directors, as was the case in his own election, and at their own expense too, for none of them would allow their expenses to be paid; but though he admitted this, he did not think the effect of this clause would be greatly to extend the constituency of the Directors, for most of the proprietors in England would attend, and few of those who would not attend would be at the trouble of sending an authority to have their vote given by attorney.

Mr. *Charles Marjoribanks* objected to the clause. From the way in which it stood at present in the Bill, it might authorize the vote of a man actually dead. For instance, a man might die between the time of sending his power to vote by attorney and the tendering of that vote.

Mr. *Macaulay* said, that the same objection might be raised in any case where a vote was given by proxy; for instance, a peer voting for the representative peers of Scotland or Ireland might send in his list, and die before it was tendered as his vote, but unless his death was known at the place of voting at the time of the putting in of the list, his vote would be good. It was only two nights ago, in the other House, that the proxy of a noble Lord was used, but it happened that the noble Lord had expired before the proxy was tendered as a vote.

The Clause was agreed to.

The other Clauses, from the 24th to the 34th inclusive (with the exception of the 26th, which was postponed), were, after a short dicussion, agreed to with some verbal Amendments.

The 35th and 36th Clauses were agreed to with verbal Amendments.

On Clause 37th, which enacts, that the Presidency of Fort William shall be divided into two, being put,

Mr. *Cutlar Fergusson* suggested, that the Presidencies of Madras and Bombay should be allowed to remain on their present footing, and that there should be established at Agra a government subordinate in rank to the others, but suited to the circumstances of that part of our Indian territory. If the Presidencies of Madras and Bombay were to be reduced in the manner proposed, no men of efficient talents or high character would be induced to accept them, and the result would be that the whole of India must fall under the dominion of one governor unassisted, utterly uncontrolled—a state of things which he could but regard as fraught with much mischief.

Mr. *Robert Grant* thought it right that all the presidencies should be subordinate to one supreme government, which being at present fixed at Calcutta, could not conveniently be changed in locality. He should be sorry to imagine that the presidencies would be placed in such a situation under this Bill as to render the acceptance of their direction by persons of weight and character at all problematical. It was proposed to make the three presidencies equal in point of rank, and he had no doubt that competent persons would be found to act as governors. The Bill was so framed as to leave it open for future discussion whether the subordinate governments in India should have councils or not attached to them. He would therefore suggest that that point should not be brought into discussion now. It was absolutely necessary to enlarge the council of the Governor-General, and to give it more comprehensive powers, in order to relieve him in some degree from a load of business which was too much to be imposed on any one individual.

Mr. *Wynn* said, that the House should know distinctly what sort of a council the Governor-General should have, and how it was to be constituted.

Mr. *Hume* said, that the Committee was consuming its time in useless discussion, for they were left unacquainted with the very point they were disputing about—namely, the establishment of councils attached to the subordinate governments. The intentions of the Government should be distinctly stated on that subject.

Mr. *Robert Grant* said, that the whole of the plan of his Majesty's Government

was embodied in the Bill now before the Committee, and the Government contemplated no change that was not distinctly specified in that measure. As he had already mentioned, two points (one of them relating to the establishment of councils connected with the subordinate Governments) had been left open for future discussion, to be settled according to the discretion and judgment of the Court of Directors and the Board of Control.

Sir *Robert Inglis* concurred with the hon. member for Kircudbright in thinking, that the geographic extent of the Indian possessions of this country was far too great to justify the reposing of their government in any single individual.

Clause 37th agreed to; as were the clauses to the 40th. The House resumed; the Committee to sit again.

THE MIDDLESEX MAGISTRATES.] Colonel *Evans* wished to ask the Solicitor-General whether his attention had been called to a circumstance of great importance which had occurred at the Old Bailey. An apprehension was entertained, in consequence of certain proceedings on the part of the Middlesex Magistrates, that all the Middlesex trials which had taken place there were irregular, and that the prisoners who had been convicted of very serious crimes, might again be let loose upon society. He wished to know whether his Majesty's Government knew anything of the circumstances.

The *Solicitor General* said, he feared there was great reason to apprehend, though he imputed blame to no one, that above 100 individuals had been illegally tried at the Old Bailey. The circumstances, as he understood them, were these:—Towards the end of the Sessions it was stated to the Judges that some bills of indictment had not been lawfully found; an inquiry took place into the facts, and the Judges were induced to put an end to the trials. A meeting of the Judges took place at the chambers of the Chief Justice of the King's Bench, and they were unanimously of opinion that the trials which had taken place were illegal. They caused information to be given to the Middlesex Magistrates, in order that the Grand Jury might be resummoned, the witnesses resworn, the bills again presented, and the accused retried; but the Middlesex Magistrates thought they knew the law better than the Judges. They resolved that no irregularity or illegality had taken place, they prevented the Grand Jury from being resummoned, and of course prevented the possibility of the prisoners being retried. The circumstances attending the irregularity were these—the bills were to be found at the Sessions House, Clerkenwell. On Monday the Magistrates met, but on Tuesday and Wednesday no Magistrates were there, yet, during those two days, the crier went on swearing witnesses, as if the Court were sitting—those witnesses went before the Grand Jury, and upon their evidence the bills were found. The Judges were unanimously of opinion, that the crier had no authority to administer the oath, and that, therefore, the bills were not lawfully found. The Middlesex Magistrates were of a different opinion, and what under those circumstances was now to be done was more than he could tell, for there could be now no new trials, and the sentences on the prisoners could not be carried into effect.

Mr. *Hughes Hughes* said, that being himself a Middlesex Magistrate, in the absence of the hon. and learned member for Knaresborough (Mr. Rotch), who was Chairman of the Middlesex Sessions, he would inform the House what those Magistrates had done when they met at the Sessions House yesterday, on Clerkenwell-green; and he would state what the course was, which they had, perhaps imprudently, adopted. It was alleged, that the Court had adjourned from Monday to Thursday, and that, in consequence, all that had been done in the interval had been illegal. They, however, found, on inquiry, that the adjournment had been from Monday to Tuesday, from Tuesday to Wednesday, and from Wednesday to Thursday, as usual. The question yesterday discussed was, whether the course which had been pursued was a regular one; and they called before them the Crier of the Court, who had been in the service of the Court for sixty years, and he said it had been the uniform practice to do as had been done in this instance, during all that period. The Crier stated, it was true, that on that and other occasions he had been alone when witnesses were sworn to go before the Grand Jury. The difficulty which the Magistrates felt was, that there was no Statute law to guide them; therefore they imagined that the ancient custom must prevail. He could only say, for himself,

in answer to the smiles of the hon. and learned Solicitor-General, that he had been but a short period in the Commission, and that he had only attended the Sessions three times; he was obliged to inquire what had been the custom in such a case, and particularly as there was a question whether those who had been tried and acquitted should be retried? The error, if an error, had prevailed for the last sixty years, and all the prisoners who had been convicted during that period, had been improperly condemned. As to the opinion of the Judges, it was not conveyed to the Magistrates in such a shape as to make it appear desirable to them to stultify both themselves and their predecessors. If the law were as had been stated, the prison doors had better be at once thrown open.

The *Solicitor General* said, that the Judges had employed an unauthorized officer, the Clerk of the Peace, to communicate with the Magistrates. He denied the existence of the practice affirmed to have existed by the hon. Member. He had made inquiries, and was convinced no such practice had ever existed. On former occasions when the Court adjourned, they met again on the adjournment day; but, on the present occasion, there was a careful attendance of Magistrates on Monday, and they adjourned to bare walls on the Tuesday and Wednesday.

Mr. *Chapman*, as a Magistrate for Middlesex, maintained, that the usual practice of the Court had been followed on the late occasion.

Mr. *Hughes Hughes* said, that repeated instances were found on the minutes of one Magistrate only being present whilst the Grand Jury was sitting.

The *Solicitor General* said, the Judges did not come to their decision till they had previously examined the Crier and Officers of the Court.

Mr. *O'Connell:* No Magistrate was present on Tuesday. As far as he could learn, the Crier was the only Magistrate.

Mr. *Hughes Hughes:* Several Magistrates were in and out of the building in the course of the day, but they had no business to detain them.

Mr. *O'Connell:* Precisely; and so the whole dignity of the Court was left to be represented by the Crier. The Court, however, had business, witnesses were to be sworn, and bills to be brought up. If there was a Chairman, why at least did he not attend? It was a most extraordinary thing that a recommendation, coming from the twelve Judges to an inferior tribunal, should not be attended to. The hon. Member spoke of the practice as customary for the last sixty years; why, he knew an instance of a man who was tried for sheep-stealing, and whose counsel set up a similar defence—namely, that sheep-stealing was so common in England, that the poor innocent man at the bar was ignorant that he was committing a crime.

Mr. *Wynn* entirely concurred with the hon. member for Dublin in the opinion that the Magistrates, in this instance, ought to respect the higher authority of the Judges. The House, however, ought now to consider what was to be done. No remedy appeared to lie in any existing Court, and he consequently thought, that an Act should be passed to authorize the appointment of a special commission to retry the prisoners in question.

The *Solicitor General* thought the suggestion of the right hon. Gentleman the best which could be acted upon.

Here the matter rested.

HOUSE OF LORDS,
Monday, July 15, 1833.

MINUTES.] Bills. Read a second time:—Assessed Taxes Composition.—Read a third time:—Dublin Steam-Packet Company; Parochial Rates Exemption; Royal Artillery Pensions.

Petitions presented. By the Earl of ABERDEEN, from the Clergy of Suffolk, for the Preservation of the Church Establishment.—By the Earl of CAMPERDOWN, from Brechin, in favour of the Factories Regulation Bill.—By the Duke of WELLINGTON, from Hamilton, for taking the Ancient Boundary of that Borough for the Assessment under the Police Bill.—By the Earl of KINNOUL, from Perth; and the Duke of BUCCLEUGH, from the Cordwainers of Edinburgh, against the Royal Burghs (Scotland Bill.—By a NOBLE LORD, from Bagnor, in favour of the Local Courts Bill.—By the Duke of GLOUCESTER, from the University of Cambridge; by the Bishop of EXETER, and the Earl of RODEN, from a Number of Places,—against the Irish Church Temporalities Bill.

THELLUSSON'S ESTATE.] Lord *Lyndhurst* rose to move the second reading of the Thellusson Estate Bill. He said, that when he first submitted this Bill to the House he did so without knowing any portion of the Thellusson family who might be benefited by the measure. He took the matter up on a principle of justice, and he was greatly surprised at the opposition which had been offered to the measure. Whether it was to be continued he knew not; but although he felt

the greatest possible respect for the noble Lords who had been foremost in that opposition, he would say, that notwithstanding the deference which he entertained for their opinion, he deemed it to be his duty to persevere with this measure. Much had been said on the subject of precedent, and no man was more unwilling than himself to make new precedents; but, as the noble and learned Lord on the Woolsack had observed, this case could never be quoted as a precedent, because a Bill had been brought in for the specific purpose of preventing the recurrence of a similar case. He could say, on the authority of Sir Anthony Hart, who, when Vice-Chancellor, had made certain orders in this case, that the proceedings connected with it could never be cited as matter of precedent. He knew their Lordships' respect for testamentary documents, but the object of the testator's extraordinary will was to secure accumulation; that object had failed; and he was sure that, so far from running counter to the testator's wishes, the present Bill would, if it were possible, receive his approbation, for it was intended to devote a part of his property to the use of his descendants, instead of allowing it to benefit strangers. Large funds were lying useless. Now, he said, let the late Mr. Thellusson's descendants have a portion of these funds, in order that they may be educated in a manner suitable to their future rank in society. There was in this measure no infringement of a legal principle—there was nothing that militated against strict justice, and therefore he should move "that this Bill be now read a second time."

Earl *Grey* said, he had his Majesty's commands to express his consent to this Bill.

Bill read a second time.

Ordered to be committed to a Select Committee.

HOUSE OF COMMONS,
Monday, July 15, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. JOHN O'CONNELL, an Account of the Quantity of Glass Imported into Ireland, during the three years preceding the laying on of the Glass Tax; also the Amount of the Sum paid by Law Students to the Courts of Law in Ireland and in England.—On the Motion of Mr. SPRING RICE, the total Amount of Timber and other Articles of Wood imported into the Isle of Man from Foreign Parts, in the last five years; also the Advances made from the Consolidated Fund in Ireland, for Paying the Commissioners appointed for Establishing a Composition of Tithes.

Bill. Read a third time:—Letters Patent.

Petitions presented. By Mr. BLAKE, from Ballingeholla, against the manner of Collecting Tithes in Ireland.—By Mr. RUTHVEN, from Dublin, against the Coal and Ship Owners of Newhaven.—By Mr. G. J. VERNON, from two Places, against, and from one Place, in favour of, the Lord's Day Observance Bill.—By Lord LUMLEY, from several Cotton Mills; and by Mr. G. J. VERNON, from Ilkiston, against the Factory Bill.—By Mr. MARSHALL, from the Medical Practitioners of Leeds, against the Apothecaries Bill.—By Mr. TOOKE, from the Liverpool Law Society, for Relief from the Tax on Attornies' Certificates.—By Mr. BRIGGS, from Halifax, in favour of the Notaries Public Bill; and also in favour of the Rating in Tenements Bill.—By Mr. BLAMIRE, from Workington, for Amending the Law relative to Roman Catholic Marriages.—By Mr. BEWES, from Plymouth, for a Revision of the Sale of Beer Act.—By Mr. DAWSON, from the Frame-work Knitters of Hinckley, for Relief.—By Mr. TRELAWNEY, from East Cornwall, for a Commutation of Tithes.

THE MALT-TAX—THE ADMINISTRATION.] Major *Beauclerk* presented a Petition from freeholders and others of East Surrey, adopted at a public meeting, praying for a commutation of taxes, and complaining particularly of the Malt and Assessed taxes on houses and windows. He should have been most happy in presenting such a petition if he thought it likely to receive the attention of Government, but he feared, from what had been evinced, that there was little to expect from the present Ministry. The people had not been enamoured with Reform, because it was the means of turning and keeping out a Tory, and keeping in a Whig Government, but because they hoped through it, to have a reduction of taxation. He was extremely sorry that Government had so bitterly disappointed those expectations. In consequence of what had fallen from the noble Lord, the Chancellor of the Exchequer, he had made particular inquiry at various markets, and other suitable places in the county of Surrey, and the result of his research had been a more thoroughly confirmed opinion of the distresses of the agricultural interests. He hoped that Ministers would have that regard to sound policy in the present state of the country, which dictated the total repeal of those odious taxes, according to the prayer of this petition, and in compliance with the universal wishes of a united people.

Mr. *Briscoe* supported the prayer of the petition. He was present at the meeting where it was agreed to, and could testify to the House, that the persons present were of the greatest respectability, and were all unanimous in demanding the repeal of these odious taxes.

Mr. *Fergus O'Connor* agreed in the

sentiments embodied in the petition, and took that opportunity of expressing his regret that his Majesty's Ministers were not present in order that they might hear what the petitioners thought of their conduct. The Ministers had been always holding out to the people the great advantages of Reform; but when any practical measure was suggested in that House, or enforced from without, they uniformly came forward and invented, or found, some pretext for not acceding to it. They had before called upon the House for a vote of confidence in their general Administration; it was obtained, and now another was about to be asked for. With what justice? They had broken every pledge which they had given to the country, and disappointed all the fair hopes and expectations which had been entertained of practical Reform and relief from the pressing burthens of taxation. They had forfeited all confidence, disgusted the country, and treated the opinions of that House with contempt. The people put them on the Ministerial benches, with wreaths of laurel on their heads; but they had speedily withered —and the people, groaning under taxation, and anxious for immediate relief, deeply repented having ever placed any dependence on their promises. Looking to measures, and not men, the people were ready to support any Ministry which would give them practical relief, with safety to the country. His Majesty's Ministers could not much longer occupy their present situations. He would implore the House, in the name of justice, not to consent to any vote of confidence in Ministers, such as they would be asked for in the course of the evening, for their truckling and vacillating course of policy had disgraced themselves and dissatisfied the people.

Colonel *Evans* was prepared to prove, that the House and Window taxes, to which the petition referred, was not just and impartial, and the people would be pusillanimous slaves if they endured them without complaint. The Ministry had irrevocably pledged themselves on four subjects—the East and West-India questions, the Bank Charter, and the repeal of the Assessed-taxes. The East-India question, as far as related to the throwing open of the China trade, had been in contemplation by the previous Government, who were prepared to recommend it to the House before they quitted office; so that the present Ministry had no peculiar claim to the merit of introducing it. As to the West-India question, the country could not and would not consent to pay 20,000,000*l.* wrung from taxation, for the purpose of putting an end to slavery. As to the Bank question, instead of removing the evils complained of, they had actually extended them, and given greater advantages to the monopolists than they formerly possessed; while their conduct in reference to the Assessed-taxes had irretrievably disgraced and overwhelmed them with public indignation. The House of Lords might deal with the Church of Ireland Reform Bill as they pleased; the people did not care for it—it was looked upon with indifference out of that House; but the present Ministry had forfeited the confidence of the House and the country, and some change was essential for the relief and welfare of the country.

The *Solicitor General* asked: Would it not be magnanimous on the part of hon. Members to postpone these multifarious attacks upon the Ministers until they were present to refute them, which he was satisfied they would have very little difficulty to do? It could not be expected, that he, who only attended in the House for the purpose of presenting a petition, and was the only person present connected with the Government, should be prepared on the moment to defend every Ministerial measure, both foreign and domestic, which had been the subject of attack by different Members. The course adopted appeared to him exceedingly unfair, as it was most distinctly understood, that the morning sitting should be devoted to the presentation of petitions, and not made the vehicle of general discussions on politics.

Mr. *Denison* would declare, in answer to some hints thrown out by the hon. and gallant member for the city of Westminster, that if the present Government should be obliged to leave office, they could not be succeeded by any set of men who had the real interests and happiness of this country more sincerely at heart than they had. He thought the present a most unfit and inconvenient period for discussions of this nature, and he wished to know how it was possible to present the petitions of the people if the time was thus consumed in the discussion of party politics? He supported the petition.

Mr. *Finn* said, the conduct of the present Government towards Ireland was just as bad as was that of the Emperor Nicholas towards the Poles, and only the moderation of the Irish prevented them from making a resistance similar to that the Poles had made to the Russians.

Sir *George Phillips* thought fair play was not given to the Ministers, nor did they receive sufficient credit for what they had already done for the country, considering the short period they had been in office. He deprecated all such attacks on the conduct of Ministers, which were only made behind their backs for the purpose of inflaming the public mind, when no opportunity was afforded of rebutting them [*Cries of "Order"*]. [Colonel *Evans* disclaimed any such intention]. Such, at least, was the tendency of the speeches of some of the hon. Members who had preceded him. The retirement from office of the present Ministers would be attended with the most fearful consequences to the country, and, in the course of a few weeks, the hon. Gentlemen opposite would themselves have great reason to regret it. He had the greatest confidence in their measures, both foreign and domestic, and believed no set of men had the good of their country more earnestly at heart. He was very anxious to contradict assertions which had been made of the great distress that prevailed in the manufacturing districts. He denied that any great distress existed there, though he admitted that distress might exist in the agricultural districts. He had always been desirous to repeal taxes, but he would never do it at the expense of public credit. He felt confident, however, that another Session of Parliament would not pass without very great reductions in taxation.

Mr. *Hume* thought, that was not the time to make speeches in praise or censure of Ministers; the time was very near at hand when the subject would be forced upon their consideration. In his opinion the best way to support public credit was, by lessening taxes to such a degree as to enable the people to pay them. He cordially supported the petition, and wished to inform the House, that public meetings were now holding in all parts of the country for the purpose of presenting similar petitions. The time had now arrived when Government must meet the wishes of the people on this subject.

Mr. *Tennyson* said, his hon. friend seemed to speak with a good deal of authority upon the subject, but such a late attention to the wishes of the people would not give them satisfaction. Pressed as the Government now were, placed in all sorts of difficulties in order to keep their places, he did not doubt but that their hearts would soften a little towards the people; but that conduct would not satisfy the people, nor would it induce him to give one vote in order to keep on the Treasury benches a Ministry who had broken every pledge they had made for a long series of years. Any change would be for the better, for they must either get a better or a worse Government, and a worse would not stand for a week.

The Earl of *Kerry* hoped the hon. member for Cork (Mr. F. O'Connor), who had spoken about pledges, would bring the question of Repeal of the Union fully and fairly before the House, to which the hon. Member was pledged.

Sir *Samuel Whalley* said, the people blamed the Government for not experiencing the benefits of the Reform Bill, and they blamed the House of Commons for not enforcing a reduction of taxation, and remedying the grievances under which they laboured. There was no tax that so loudly called for repeal as the House and Window-tax. He for one would never help to keep any Ministry in office unless it was for the purpose of instituting the most searching economy, and unless it pledged itself to the repeal of the iniquitous tax on houses and windows.

Mr. *Fryer* said, the radicals and reformers did not know what they wanted. Why did not the Members unite together, and not be like a rope of sand? Nothing was done, and nothing obtained, because there was a want of unity among them. Had the Opposition among whom were all the complaints, done their duty, the obnoxious taxes would have been repealed, or the supplies would have been stopped.

Mr. *Baldwin* said, the question seemed to have been discussed as if there were but two parties, Whigs and Tories; but he would only support that class that did best for the people, without regard to party. He cared not who was Minister, so that the Administration were one that would uphold the interests of the country.

Mr. *John E. Stanley*, trusted that those

Gentlemen who condemned a Government which had been prevented, from many causes, from going as far as they wished, when they gave their support to any other Government, would urge them on to complete those things which had now been commenced.

Mr. *Cobbett* wished to say a single word upon the petition. It did not state, that the petitioners wished for the repeal of the whole Malt-tax. [Mr. *Briscoe*: It says the whole tax.] One hon. Member had said he would be content to have one-half the Malt-tax taken off; but it would be of no use to take off only half the Malt-tax. He wished much for a repeal of the House-tax, but he thought a repeal of the whole of the Malt-tax was as loudly called for, and would be more beneficial.

Mr. *Hawes* said, that as to a change of Ministers, he for one did not think it would be conducive to the interests of the country that such a change should take place at present; and, he certainly would not seek for a better Administration through a worse one.

Petition laid on the Table.

Tithes (Ireland).] Mr. Chapman presented a Petition from a place in Meath, complaining of the enforcement of Tithes, and praying for relief.

Mr. *Hume* supported the prayer of the Petition. The people of England as well as those of Ireland would no longer voluntarily submit to that tax. They were determined that both tithes and Church rates should be abolished. Ministers, he must say, did not deal fairly. They dismissed men from office who attended liberal meetings, while they allowed those who attended meetings of their enemies to go unpunished. That was not even-handed justice. He warned the Ministers that the people would no longer support them in such a course.

Mr. *Sheil* certainly could not see any good reason why Sir Richard Nagle had been dismissed for attending tithe meetings. The Irish Church had been distinguished for the mischief it had done—it had destroyed the Whig Government in 1807. It had destroyed the Government of the Duke of Wellington, and he did not say it would destroy the present Government; but it was high time Ministers looked to the probable consequences of their own actions.

Mr. *Finn* said, that Ministers had dismissed Colonel Butler from the Magistracy in Kilkenny, and the consequence was, that the people had dismissed the Ministerial candidate, and sent Colonel Butler to that House. He had also been sent to the House by the people to aid the Colonel in protecting their rights, and support the Ministers while they did that, and he would not support them one moment longer.

Lord *John Russell* admitted the propriety of dealing with all those who attended public meetings on the same principle. As long as a man only gave free vent to his political opinions, he deserved no punishment, but between that and attending meetings of which the avowed object was to resist the law, there was a broad distinction. He was not precisely aware of the facts of the case alluded to, but he had no doubt it was upon that principle that his noble friends had acted.

Petition to lie on the Table.

Rights of Grand Jurors.] Mr. *Hawes* presented a Petition from the Grand Jury of the late Easter General Sessions of Newington, Surrey, complaining of the withholding of their rights to inspect the County Gaol. For persisting in that right one of the Grand Jurors had been fined 10*l*. As long as the present system was continued, it would be impossible, that the provisions of the Gaol Act could be properly enforced. The Grand Jury could not even now act up to their duty, which called upon them diligently to inquire into such subjects as might afford matter for presentment. If no other Member brought forward such a measure as would facilitate the views of the petitioners, he should himself take an early opportunity of doing so.

Mr. *Denison* thanked the hon. Member for the temperate manner in which he had brought forward the subject. He could assure the House, that that gaol was as clean and well regulated as any one in the kingdom.

Mr. *Tennyson* had frequently visited prisons in his quality of Grand Juror; and when he heard of a Chairman telling a Foreman that he would send him to gaol for pressing that right, and when they found that a fine of ten pounds was inflicted, it was necessary for Grand Jurors to have the matter settled.

The *Solicitor General* said, the Grand Jury had no right to inspect the gaol as visitors, but they certainly had the right to view and inspect the building both inside and outside, in order to report or represent whether it was in a proper state for carrying the laws and regulations of the Magistrates into effect. It was right that he should inform the House, that, with respect to the fine of ten pounds, it having been levied for a contempt of Court, it could not be brought before any Court by way of action. There was, he believed, no remedy for it. It was to be supposed, that no fine could have been inflicted without some very great provocation having been given; but, at the same time, he could not suppose that any gentleman, in the situation of Foreman of a Grand Jury, and supported by all his fellows, would be guilty of any provocation to render so extreme a course necessary. He repeated, that the Grand Jury had a right to inspect the whole of the gaol, both inside and outside, for the purpose of making their presentment; but that they had no right to go further, and inquire into the discipline, as that power was expressly given to the visiting Magistrates.

Sir *James Scarlett* said, the Act of Parliament, (the Gaol Act) did not give the Grand Jury any further powers than they before possessed, for it related chiefly to building and repairing of the gaol. He thought, however, that Grand Juries had the power to inspect gaols before they could be called on to make any presentment, and, he hoped, that no Court would resist their viewing a gaol unless something particular prevented it. As to fining one gentleman ten pounds, he really thought it could not be for requesting to view the gaol, but for something which occurred afterwards, and the proceedings were not before the House to enable them to judge of the question.

Major *Beauclerk* said, as far as he understood the case, the fine was not for contempt of Court, but only for asserting a right to visit the gaol.

Mr. *Cobbett* said, in Queen Elizabeth's time, persons who were called poor people, are now called paupers; those who were once called gaolers, are now called Governors; so that both the English language and English feeling were perverted. He believed the plain truth was, that the Magistrates and Governors of gaols wished to prevent the people of England from knowing how prisoners were treated.

Mr. *Divett* said, he would not allow the foul libel of the hon. member for Oldham on the Magistracy of England to pass without a most positive contradiction.

Mr. *Cobbett* said, as truth was a libel, he could not say he was not a libeller.

Mr. *Hughes Hughes* said, that the Foreman was fined for using violent language in the Court, and not for claiming a right to visit the prison.

BREACH OF PRIVILEGE.] Mr. *Cobbett* rose to complain of what he considered a Breach of Privilege. The House would remember it had been stated in the House, a short time since, that Police Spies were about. A publication had been put forth to-day of a very singular nature, and which had all the appearance of being sent forth under the auspices of the head of the police. The publication set forth at great length the evidence that had been given before the Committee appointed to investigate into the facts contained in the petition presented by him (Mr. Cobbett) from persons belonging to the Union of Walworth and Camberwell. And not content with that, various comments were made; and it was stated, that there was little doubt the Committee would acquit the accused, for the evidence of the parties who had been examined against the police was contradictory, and the witnesses themselves were persons of disreputable character. It appeared also, that the Secretary of State had been most improperly furnished with a copy of the proceedings, whilst the Committee was sitting, certainly, without his consent, and before the Committee had been furnished with it. The spy Popay had been permitted by the Secretary of State to take extracts of the evidence given against him, which he had published in the newspapers, aspersing the character of the witnesses. Having put the House in possession of these facts, he would leave the House to act as it thought proper.

Lord *Althorp* said, it was difficult to understand what the complaint of the hon. Member was. Was it that the publication in question referred to the proceedings of a Select Committee?

Mr. *Cobbett*: That the publication aspersed the character of the witnesses.

Lord *Althorp* said, this was the first time he had heard of it. He did not believe the Secretary of State had any connexion with the transaction.

Mr. *Cobbett* said, that the publication took place in a paper called the *Police Gazette*. It was published in Surrey-street, under the auspices of the police; and the policemen were desired each of them to take a copy of it, which they had at a penny less than it was sold for to other persons. There was no stamp on the paper; and, upon an information on that ground having been laid before the Magistrates, they refused to take cognizance of it, saying it was the province of the Stamp Office to take proceedings, and that they could not do so, without an intimation from the Stamp Office. The complaint he made was, that Popay was allowed to get and publish extracts from the evidence taken against him before the Committee. This, he considered, most improper, especially when the evidence was not yet submitted to the House.

Mr. *Kennedy*, as a member of the Committee, wished to observe, that the hon. member for Oldham had, according to a practice not unusual with him, stated as facts things which were of a very opposite character to facts. He had stated, that a copy of the evidence had been furnished to the Secretary of State before a copy had been supplied to the members of the Committee themselves; it was true that a copy was furnished to the Secretary of State, with the permission of the hon. Member himself, but the Committee had also a copy of each day's proceedings, each succeeding day, according to usual practice. It was also insinuated, that because a copy was furnished to the Secretary of State, extracts were furnished by him to Popay; but the hon. Member had no right to draw such an inference; the hon. Member should recollect that the Committee had given permission for Popay to see the whole of the evidence, and, therefore, he had an opportunity of taking extracts if he pleased. Indeed it was indispensable that Popay should have a copy of the evidence, as his character was attacked. But as to any Member of the Government giving him permission to publish paragraphs in the newspaper alluded to, he disbelieved it. No person connected with the Government had anything to do with that publication.

Mr. *Tennyson* said, it was a little remarkable that the Secretary of State should wish for a copy of the evidence when the conduct of the Government was not impugned. Had he been present in the Committee at the time, he would have protested against it. When such was the case, it was perfectly natural that the hon. member for Oldham should assume, upon his seeing the paragraph in the newspapers, that Popay, who was charged, and, in point of fact, proved to be a spy, had access to the evidence, through the Secretary of State, and had published it. He could have got it in no other way; for, although it was ordered, that Popay should have a copy of the evidence against him, yet the copies of the evidence were not yet delivered. The inference of the hon. member for Oldham was, at least, a natural one.

Mr. *O'Connell* said, that the hon. member for Oldham had stated this paper to be published under the sanction of the police. He doubted very much whether the police ought to become gazetteers, and certainly if their conduct were impeached, they had no right to publish to the world that the witnesses against them were persons of bad character.

Lord *Althorp* wished it to be understood that he thought it impoper to allow the police to have anything to do with such publications; indeed, he did not think the police had anything to do with it more than himself, or than the hon. and learned Gentleman,

Mr. *Kennedy* said, when it was proposed in Committee, that Popay should be furnished with a copy of the evidence, it was stated, that if he were so furnished with it, he would have to pay the expense; upon which it was arranged that he should be permitted to see the Secretary of State's copy.

Mr. *Cobbett* said, he had been always present in the Committee when five members were there, and therefore he knew what passed in the Committee better than the hon. Member who preceded him. Popay was to have the evidence read to him next Wednesday, and then to have a lawyer, and to be permitted to cross-examine the witnesses if he pleased. So that he had never yet had a copy of the evidence, nor was it ever ordered, that he should have a copy. Popay had told the Committee, that he had seen a copy at the Secretary of State's Office, and had

been allowed to read it, to examine it, and to take extracts from it, in order to frame questions to cross-examine upon. He did not object to this permission being granted him for that purpose only. The hon. member for Lambeth objected to such accommodation being given. He, however, would say, let him have all the accommodation that any person could ask for him. He did not complain of Popay being allowed to obtain extracts, but of his disparaging the character of witnesses whose demeanour and conduct were most proper, and whose characters he firmly believed would bear the strictest inquiry.

Mr. *Wynn* objected to copies of the evidence being furnished for such a purpose, or that Counsel should be permitted to cross-examine the witnesses. It was contrary to all rule and precedent.

Mr. *Estcourt* said, that Popay had been allowed to have access to the evidence, for the special purpose of enabling his Counsel to cross-examine the witnesses. In bringing the matter before the House, the hon. member for Oldham had designated the man Popay as a spy, and that he had published the extracts of the evidence. Now he thought it was too much to fix so odious an appellation upon the man before he was convicted of being so, or to set him down as the publisher of the evidence before there was any proof to that effect. If, through the inquiry, it was shown, that Popay deserved such a designation, he would be the first to say, let the consequences of his conduct be attached to him; but, in common justice, hon. Members should abstain from making such assertions until the whole truth was known.

Colonel *Evans* thought, that the observation of the hon. Member was very just; but, on the same principle, Popay should have abstained from attacking the conduct of the witnesses against him. He thought it would be satisfactory to the House and the public, if the noble Lord would declare, that, should such conduct be repeated, serious notice would be taken of it.

Lord *Ebrington* said, if the matter complained of was a breach of privilege, the hon. Member could bring it before the House in a substantive shape, when other hon. Members of the Committee would be able to give their opinion of the matter. The Motion would come with propriety from a Member of the Committee.

The subject dropped.

CALL OF THE HOUSE—THE ADMINISTRATION.] On the Motion, that the Order of the Day respecting the East-India Bill, be read,

Sir *John Wrottesley* rose to bring forward his Motion for ensuring the attendance of hon. Members on Thursday next, in case the two Houses of Parliament should come into collision upon the subject of the Church Temporalities (Ireland) Bill. It might, perhaps, be made a question why he did not bring forward such a Motion at an earlier period; but he had thought it adviseable to postpone it until it could be in some degree ascertained what course the other branch of the Legislature was likely to pursue. He thought it now desirable, with the means which they at present had of judging what the intentions of certain persons might possibly be, to enable the House to have the earliest possible means of calling upon the absent Members to give the speediest attendance in case the crisis, which there was now much reason to anticipate, should arrive. He did not consider, that a Motion of this sort called for many arguments to support it; but as some hon. Members did not think, that a Motion of the kind which he was about to propose should be adopted without some reasons, he would state a few of those which occurred to him. At the commencement of the Session his Majesty had told them in his most gracious speech, that there never was a period in which subjects of such immense importance as those which they would have to consider had come under the attention of the British Parliament. All would agree, that the topics upon which they had been occupied during the present Session corresponded to the description in his Majesty's Speech. There were still three subjects of the greatest importance before them—the East-India Company's Charter, the Bank Charter, and also the important question of West-India slavery. All these would still require the anxious attention of hon. Members. It might be said, that these did not afford a sufficient excuse for making a Motion, which would have the effect of recalling to London all those Members who had absented themselves, as nothing but the details of these measures remained to be considered. There was, besides these, one measure which had passed that House, and which he looked upon as exceeding all the others to which he had alluded in interest and importance,

and on account of which he thought himself justified in pressing for the adoption of his Motion. No one was more fully convinced than he was of the necessity of paying a due regard to the privileges of the other branch of the Legislature. He was persuaded, that they could not do better, if they wished to have due respect paid to their own privileges, than to behave with all due attention to those of the other House of Parliament. The measure to which he alluded, however, was, the Church Temporalities (Ireland) Bill. The duty of this House, after a Bill had passed them, did not terminate with respect to it, as soon as it had left its messenger's hands. The House of Commons had an undoubted right to watch over the conduct of the other House of Parliament, and to be guided in its proceedings by the votes in that other House upon bills which the Commons had passed; in the same manner as they had a right, if the Bill was passed by the Lords with Amendments, to adopt or reject those Amendments, upon the message being brought from the House of Lords, desiring their concurrence in them. It was impossible to conceal the fact, that a Bill which had passed the House of Commons by a large majority had been termed by persons elsewhere a measure of spoliation. It was also well known, that individuals of great influence in the country had declared, that they were not only dissatisfied with the details of the measure, but had decided objections to its principle. If this measure alone were concerned—however great and important he considered it to be; and believing, as he did, that it would tend to secure the Church from the dangers which threatened it, and to render it efficient for the purposes for which it was originally intended—he (Sir John Wrottesley) could not but look with anxiety to the fate of the Bill, even in that point of view; but if that were all, he should, perhaps, have less uneasiness upon the subject. It was his opinion, that if that Bill were rejected, it would be the rejection of the great principle of Reform, by which the Members of the present House of Commons had been fixed in their seats. If it should be found, that the principle of Reform could not be carried into effect in the Church, hon. Members would not receive the approbation even of the most moderate of their constituents. He thought, therefore, that they were bound to call upon those Members who were absent to be at their posts, and to be prepared, in case any great event should occur respecting this Bill. They were only doing their duty when they inferred, that such might possibly be the case; and if any difficulty should arise, the public would undoubtedly expect that their Representatives would be at their posts. He felt obliged for the attention which the House had given to his observations; and would merely conclude by moving, "that the House be called over on Thursday next."

Sir *Robert Peel* felt it his duty to take advantage of that earliest moment, first, to deprecate all discussion on the Motion of the hon. Baronet, and next to deprecate the Motion itself being persisted in. The hon. Baronet had assigned two reasons for bringing it forward, which a moment's consideration could entirely dissipate. In the first place, said the hon. Baronet, there are very many important measures before the House, not yet advanced through all their stages, and which should be discussed only in a full House. But how could it be said, that the House had neglected to attend the progress of these measures? Was it not a fact, that the principles and provisions of all those named by the hon. Baronet had been expounded and discussed before an unusually full attendance of Members? The Bank Charter had been so discussed, the noble Lord (Lord Althorp) having yielded to the sense of the House, and postponed those portions which would require a full attendance. If the attendance upon the Committee on the East-India Charter Bill was comparatively thin, was not the fair inference that little or no opposition would be made to its progress, its general principle and provisions having been approved by a full House? And as to the West-India question, he never witnessed a fuller attendance than that before which its principles and provisions were minutely detailed. No charge, therefore, could be made of non-attendance in reference to the important measures cited by the hon. Baronet. But if even it was not so, he knew not how a call of the House could remedy the evil; for after the form of that call had been complied with, it must be left to every hon. Member's discretion to bestow or neglect that close attention to the proceedings which the call was intended to enforce. However, the hon. Baronet had not rested his Motion on the necessity

of a full attendance in reference to this measure. The hon. Baronet had told them, that his Motion was meant to apply particularly to a measure then before the other House of Parliament; and he gave as a reason for the House's acceding to it, that he had seen in the public prints statements to the effect, that one noble person had characterized the Irish Church Bill as a "measure of spoliation," and that other noble Lords had declared they were opposed to the "principle" of that Bill. Now, he implored the House not to adopt such rumours as the foundation of their proceedings. They owed it to their own dignity; they owed it to the dignity and independence of the other branch of the Legislature. He did not mean to say, that an occasion might not arise when it would be necessary for them to meet and express an opinion in reference to some act of the House of Lords; but he must deprecate their anticipating the possibility of such an event on a mere rumour, or adopting any proceeding which must appear only as an attempt to control and menace the proceedings of the other House of Parliament. What pretext was there for such an unprecedented proceeding? The Irish Church Bill had been sent up to the House of Lords; it was read a first time; it was appointed to be read a second time; the day for that second reading had not yet arrived. Were they, on mere flying rumours and vague assumptions, to anticipate the probable result of that second reading? Such conduct would be most unwise, and in the teeth of all rational precedent. It would be more—it would be placing themselves entirely in the wrong. They knew nothing, and constitutionally could know nothing, of the intended acts of the other branch of the Legislature, only as itself communicated them. They owed it to themselves, to their own privileges and character, to respect the privileges and character of the other House of Parliament; and they were not to anticipate any result which might imply, that the Members of the other House were not men of honour, and men who did not exercise their privileges—not as privileges given them for their own personal advantage, but for the benefit of the people. When the occasion arose, let them assert their rights, but let them not lower themselves by anticipating such an occasion on mere vague rumour and assumption. He trusted, therefore, that the hon. Baronet would withdraw his Motion, and he also earnestly trusted, that the discussion on its subject matter would here terminate.

Colonel *Hay* expressed his hope, that the hon. Baronet would not withdraw the Motion; and if no other Member should take it up, he himself would.

Mr. *O'Connell* also expressed his hope, that the Motion would not be withdrawn. The hon. Baronet ought to stand by his Motion. It was right that Members should be at their posts, if any crisis should arise to call for their united efforts. The right hon. Baronet (Sir Robert Peel) had said, that the measure was one for which there was no precedent—forgetting that, for the last century, it was impossible that there should have been any precedent; for the House of Commons, during that period, had only been another instalment of the House of Lords. They could not quarrel with their masters; but the present House of Commons had no masters. If any Government were sure of being opposed the moment they attempted to do a popular act, it was unquestionably the duty of the Members of the House of Commons to be at their posts, and to do their utmost that the good of the people should be the only object of both Houses of Parliament. There was no one less attached than he was to the Church Temporalities Bill. He considered it only a miserable instalment towards the payment of what was justly due to the people of Ireland. Still he would have it rather than nothing at all. He would give the Motion his hearty support, and he trusted, that the House would show itself determined to do justice to the people.

Colonel *Evans* expressed his surprise at seeing his two hon. friends, who had both voted against the Bill in question, now such strenuous advocates for it. He was convinced that the public were no more alarmed about the passing of the Church Temporalities' Bill than any other Bill. No doubt there was a strong feeling in its favour in that House, but it was not shared by the public.

Mr. *Robinson* observed, that it would be the greatest hypocrisy to pretend to conceal that the attendance in the House of Commons had fallen off lately; but the present attendance showed that there was no relaxation of the efforts of the House. He thought that, upon the whole, the most prudent course would be to adopt the

suggestion of the right hon. Baronet (Sir Robert Peel), and wait till they should see what course the House of Lords adopted. If a crisis should arise, it would then be time to have recourse to the other measure. Could it be intended as a direct manifesto against the House of Lords? Would the people consider it in any other light? How could they consider it otherwise? He would neither vote one way nor the other if the Motion were pressed to a division, but he hoped that the hon. Baronet would withdraw it.

Mr. *Evelyn Denison* thought that the course proposed was wrong. He had never heard before of a Motion anticipatory of a decision of the House of Lords, and he considered it unwise. He thought it would imply a great misgiving of the other House of Parliament, and that it would be a great departure from their own dignity to anticipate what would be the course of their Lordships' proceedings. If the House of Commons overstepped its privileges, it would be an invitation to all other assemblies, legally or illegally constituted to overstep theirs; and if they agreed to this measure with the view of over-awing the House of Lords, he sincerely believed that they would be pushing their privileges too far; but he also sincerely believed that they would not pass the Motion. He hoped the hon. Baronet would be induced to withdraw it. That, in his opinion, was the wisest, the safest, and the most dignified course.

Lord *Ebrington* said, the House surely had a right, on the occasion of a measure which they considered just—and no one who looked at this without prejudice would say that this was not just—to make inquiries on the subject of the rumour which had prevailed, particularly during the last two days, and he considered that rumour was sufficient ground for a Motion, which simply went to secure a full attendance of the Members, and ensure the performance of their duty to their constituents and to themselves. He confessed that he considered the rumour so incredible and absurd, that it would obtain no credence among Members of that House; but it was calculated to produce an impression upon their constituents, particularly in distant parts of the country. Their constituents must wish, and feel, that it was the duty of their representatives to be at their posts if a crisis should arise, which common report led them to expect? He should be the last man to advocate any measure of intimidation towards the House of Lords; but his sentiments were in accordance with those of the hon. mover. It must be recollected that the Bill had been brought forward in concurrence with the Coercion Bill; and Ministers were consequently compelled to stake their existence as a Government upon the success of it. What, then, would be the consequence of the rejection of the measure by the House of Lords? It would necessarily produce their resignation. He would not argue whether the Ministers had constituted a good or a bad government. It was the duty of the representatives of the people to express their indignation, if such a step as throwing out the measure in question were attempted by the other House of Parliament. On that account he considered it not only the undoubted right, but the duty of any hon. Member to call for as numerous an attendance as possible of Members on so important an occasion; and he should, therefore, support the hon. Baronet's Motion, and trusted it would be adopted by the House.

Lord *Althorp* gave the fullest credit to his hon. friend for the motives by which he had been actuated in bringing forward the present Motion; the principle of which was unquestionable. It was undoubtedly true, that, on the passing of the measure alluded to, his Majesty's Government had pledged their continuance in office. But it was equally true as had been stated, that the effect of his hon. friend's Motion might be that of appearing to throw out a menace to the other House of Parliament. Now his hon. friend had admitted, that, in the present state of public affairs, his Majesty's Government had no easy course to pursue; and he was sure that his hon. friend and his noble friend who had supported the Motion would not wish to do anything calculated to increase the difficulties under which his Majesty's Government laboured. He had no doubt that, without any stimulus, there would be a full attendance of Members in that House on the night in question. But, feeling that there were some difficulties in the course which his hon. friend proposed, he, instead of joining with his noble friend in urging his hon. friend not to withdraw his Motion, was, much more inclined to request him to withdraw it. He was quite sure, that

whatever might be the supposed theoretical benefit of persevering in the Motion, a great practical benefit would arise from withdrawing it; and he therefore trusted that his hon. friend would be induced to withdraw it.

Sir *John Wrottesley* said, that, as far as he was concerned, he was perfectly ready to withdraw the Motion; nothing being farther from his wishes than to do anything likely to embarrass his Majesty's Government. He certainly had conceived that the dignity of the House would be best consulted by the course which he recommended; at the same time he was quite disposed to accede to the suggestion of his noble friend; and if the hon. Gentlemen who had expressed their intention to divide with him concurred in that acquiescence, he would withdraw his Motion, not otherwise.

Major *Beauclerk* was favourable to the Irish Church Temporalities' Bill, not because it supported the Church Establishment, but because he thought it would assist in destroying that Establishment. The noble Lord seemed to think that the storm had blown over.

Mr. *Tennyson* declared, that whatever reflected honour upon the noble Lord would give the highest satisfaction to him. He had wished anxiously to hear the opinions of his Majesty's Government upon this question, because he could not believe, that the Ministers of the Crown would lend themselves to a Motion which it was plain from what had fallen from the hon. Mover was intended as a menace to the other House of Parliament. In such a menace he could never concur. Whatever might be thought of his political views and his conduct in that House he was determined to hold by the Constitution, and could not consent to a step, the ultimate object of which was to place the other branch of the Legislature under the entire control of one political party in the State. He did not concur in the opinions of the present House of Lords, but, because he did not, was he prepared for a revolution? Was he prepared to take a step which would tend to place the House of Lords in utter subserviency to that House, and the political body which governed that House? With respect to the particular measure which induced the hon. Baronet to bring forward this Motion, he believed that the public took no interest in it whatever, and, although the noble Lord and his colleagues had staked their existence as an Administration upon it, those at least with whom he was in communication did not think that the measure followed up effectually the promise of Church Reform, or contained within it those principles which they had hoped to see adopted as the foundation of the measures of the present Government. He had objected to that measure, and he therefore could not support any plan for forcing it upon the other House. But there was an important measure, of which he had given notice, and upon which he wished to have a full attendance, and, if the House persisted in carrying this question to a division, he should vote for the hon. Mover—[*Loud laughter*]. He had himself a Motion for a Call of the House, and he asked those who laughed whether he could with any consistency vote against this Motion?

Mr. Secretary *Stanley* said, that having expected from the foregoing part of the right hon. Gentleman's speech, that he was about to oppose the Motion, it was with no inconsiderable surprise that he had heard the short turn the right hon. Gentleman took at the close of what he addressed to the House. He had some difficulty in conceiving the grounds upon which the right hon. Gentleman came to a conclusion apparently so much at variance with his own sentiments, until he explained, no doubt much to the satisfaction of the House, his desire that his own important, and he presumed practical Motion, should have a full attendance of hon. Members. He was not surprised as the right hon. Gentleman had undertaken to submit a Motion on the 23rd of July, for a Repeal of the Septennial Act, concluding that that question would be adequately discussed and brought to some practical issue this Session—he was not surprised that under such circumstances the right hon. Gentleman should be anxious for a large audience. The right hon. Gentleman had advanced two doctrines of which he could not of course dispute the sincerity, but which he found some difficulty in reconciling with each other. The right hon. Gentleman professed the greatest anxiety to promote whatever could tend to the honour and credit of his noble friend the Chancellor of the Exchequer, and declared his great regard for him as a member of the Administration. He had not had the pleasure of being present at

three o'clock, and he did not know whether there was then a sufficient audience to satisfy the right hon. Gentleman's wishes, but he understood that the right hon. Gentleman then made the most violent attack that had yet been made upon the whole conduct of his Majesty's Government throughout the Session. The hon. Gentlemen who sat near the right hon. Gentleman, and had cheered his regard for the privileges of the other House of Parliament, were not perhaps aware, that the right hon. Gentleman expressed an ardent and earnest desire for the return of a Tory Administration. But lest hon. Gentlemen should feel themselves too much flattered by this mark of the right hon. Gentleman's good will, it was necessary he should add that the right hon. Gentleman expressed his conviction that a Tory Administration could not subsist a week; so that the only consequence of turning out the present weak and miserable Ministry would be to bring in one indisputably worse, which, in one short week, was to make way for something more suitable to the taste of the right hon. Gentleman. But perhaps a new Government might include within it men of sound and upright principles—men who would never, on any occasion, fall short of the full extent of any abstract principles they advocated—men whose merits had been most singularly and unaccountably disregarded by the present Administration — men, who in happier, though not more peaceable times, would "ride on the whirlwind and direct the storm." Perhaps by a new Government the views of the right hon. Gentleman and his friends might be accomplished, and that most desirable object effected of bringing about a reconcilement of the conflicting opinions of that and the other branch of the Legislature. The right hon. Gentleman would forgive him if he said that he did not think the result desirable, nor the means likely to benefit the country. The right hon. Gentleman told the House, that he possessed a scrupulous delicacy, and would stand forward as the guardian of the privileges of the other House; that nothing should tempt him to infringe upon the constitutional principles of the House of Lords. How was this to be reconciled with a former notice which he found upon the Journals of the House in the name of Mr. Tennyson, to the effect that "A communication be made to the Peers, requesting their Lordships to review their privilege of voting by proxy?" That, of course, was no threat—no intimidation. It was merely a delicate hint as to the course which the House of Lords should pursue, if they wished to secure the approbation of the right hon. Gentleman. Were this notice and the right hon. Gentleman's scrupulous anxiety for the privileges of the other House, and his great regard for the present Administration quite consistent with each other? But to turn to the more serious and more important part of the subject. He would most anxiously and earnestly suggest to his hon. friend the member for Staffordshire, to accede to the recommendation which had been made by so many hon. Gentlemen, especially pressed as it was by his noble friend the Chancellor of the Exchequer, and to withdraw his Motion. He confessed he was astonished, and perhaps the House would be equally so, to find that the most active and determined party in supporting the Motion was the hon. and learned member for Dublin, who, now, for the first time, or rather now again, took under his fostering protection, and insisted upon the adoption by the Lords of that measure of which he had so strongly disapproved. He (Mr. Stanley) attached as much importance as any Gentleman in the House to that Bill, and infinitely more than the hon. and learned member for Dublin. With regard to the present Administration, he could not too strongly, or too emphatically repeat what he had already declared over and over again, that he considered their existence as a Government bound up with their power of carrying that Bill. But he appealed to his hon. friend, whether, in the present circumstances of difficulty, he would not accede to that course, which, in the judgment of his noble friend, the Chancellor of the Exchequer, and of all his colleagues around him, was the most likely to lead to the satisfactory result which he desired, and whether, in the sincere anxiety which he knew his hon. friend felt to support the present Government, he would not place confidence in his Majesty's Ministers, when they told him plainly and sincerely, that in their judgment, and upon their responsibility, the withdrawal of the Motion was the most likely to carry, as the pressing it was the most likely to defeat, the object he had in view. He trusted his hon. friend would place credit in the judgment of his Majesty's Ministers, as

he did most unfeignedly in the entirely friendly feeling towards them, which had induced his hon. friend to bring forward this proposition. Calmness at the present moment was not inconsistent with the most determined conduct hereafter, but let not the House anticipate a case, which might not, and which he ventured to express a hope, would not arise. If it did not, the House would have to thank his hon. friend, and to congratulate itself that it had not taken any precipitate course, but awaited with calmness and firmness, the adjustment of present differences, and the passing of a measure which all considered an important one.

Mr. *Tennyson* said, that what had fallen from him had been misrepresented. He had not expressed any wish for a Tory Administration. What he had said was, that it would be easy to form a better Administration than the present, and that if a worse were formed, in his opinion, it could not endure for a week.

Sir *John Wrottesley* said, he was most anxious to comply with the wishes of the House, particularly considering by whom those wishes had been expressed on both sides of the House. No man could have a stronger regard than he had for the present Administration. That feeling was only secondary to a consideration for his own character; and if those Gentlemen who supported him in the early part of the debate, should call upon him to press the Motion to a division, he should feel himself bound in consistency to do so.

Mr. *O'Connell* objected to the Motion being withdrawn.

Lord *John Russell* wished to say a few words in explanation of the vote which he should feel bound to give upon this question. He could not vote in favour of the Motion, because, although such would not be the fair interpretation, it would be understood pretty generally to be meant as a threat, previous to a vote to be given in the other House of Parliament. He thought that it would not be becoming in that House to do, nor becoming in the King's servants, to join in doing, any act which might have that appearance. But he could not vote against the Motion without disclaiming the feeling by which the hon. member for Surrey seemed to consider his Majesty's Ministers to be influenced. It was not because the storm was blown over, that he was ready to consent to the withdrawal of the Motion. On the contrary, he saw no reason to believe that the storm was blown over, and he stated it as his opinion, that if the Bill was not to be destroyed at one blow, the most valuable parts would be taken out of it. In giving his vote against this Motion, he did so with no notion of any sort of compromise. According to his notion, the Bill had been reduced to the utmost limit of moderation which was consistent with any measure of reform whatever, and the utmost had been done to satisfy the most scrupulous objections. Where there could be honest scruples, he had gone as far as he was able to go; and in voting against this Motion, he did not do so for any purpose of conciliation. In conciliation he had already done a great deal, and he could not go a single step further.

Mr. *Hume* did not care about the Church Temporalities Bill, but hoped his hon. and learned friend, the member for Dublin, would not press for a division; if, however, his hon. and learned friend did so, he should vote for the Motion.

Mr. *Abercromby* supported the Motion. By it the House was taking a step which pledged only its own body, and there were peculiar and unprecedented circumstances which called upon them to do so.

Mr. *O'Connell* persisting in demanding a division,

The House divided: Ayes 125; Noes 160—Majority 35.

List of the AYES.

Abercromby, J.	Duncannon, Lord
Adam, Admiral	Dunlop, J.
Aglionby, H. A.	Ebrington, Lord
Attwood, T.	Edwards, Colonel
Atherley, A.	Etwall, R.
Baldwin, Dr.	Evans, G.
Bannerman, A.	Ewart, W.
Barry, G. S.	Faithfull, G.
Beauclerk, Major	Fellowes, Hon. N.
Bellew, R. S.	Fellowes, H. A.
Bewes, T.	Fenton, J.
Bish, T.	Fergusson, Sir R. C.
Blake, Sir F.	Finn, W.
Blake, M. J.	Fitzgerald, T.
Blamire, W.	Fleming, Admiral C.
Briggs, R.	Folkes, Sir W.
Brocklehurst, J.	Gaskell, D.
Brotherton, J.	Grey, Lieut.-Col.
Brougham, J.	Grey, Sir G.
Browne, D.	Gronow, Captain
Buller, C.	Grote, G.
Clay, W.	Hall, B.
Codrington, Sir E.	Handley, B.
Cornish, James	Hasland, W. C.
Cotes, J.	Hawes, B.
Davenport, J.	Heathcote, J.
Divett, E.	Hill, Lord M.

Hume, J.	Russell, W. C.
Jephson, C. D. O.	Ruthven, E.
Kennedy, J. F.	Ruthven, E. S.
King, E. B.	Scholefield, J.
Lefevre, C. S.	Seale, J. B.
Lister, E. C.	Sharpe, General
Macleod, R.	Sheil, R. L.
Macnamara, Major	Stanley, E. J.
Macnamara, F.	Stawell, Colonel
Marjoribanks, S.	Staveley, J.
Marshall, J.	Strutt, E.
Martin, J.	Sullivan, R.
Martin, T. B.	Talbot, J. A.
Maxfield, Captain	Talmash, A. G.
Methuen, P.	Tennyson, C.
Molyneux, Lord	Thicknesse, R.
Morton, Hon. H.	Tooke, W.
Mostyn, Hon. E.	Tracy, C. H.
Murray, J. A.	Troubridge, Sir T.
O'Callaghan, C.	Turner, W.
O'Connor, F.	Tynte, C. K.
O'Connell, D.	Vigors, N. A.
O'Connell, J.	Walker, C. A.
O'Connell, Morgan	Walker, R.
Ord, W. H.	Wallace, T.
Ormelie, Lord	Walter, J.
Oswald, R.	Warburton, H.
Parrott, J.	Ward, H. G.
Pendarves, E. W.	Waterpark, Lord
Peter, W.	White, S.
Perrin, L.	Wigney, I. N.
Phillips, Sir G.	Wilbraham, G.
Philips, M.	Wilmot, Sir E.
Pringle, R.	Winnington, H.
Richards, J.	TELLERS.
Roe, James	Wrottesley, Sir J.
Romilly, E.	Hay, Colonel L.

East-India Company's Charter.] The House resolved itself into a Committee on the East-India Company's Charter Bill.

On the 42nd Clause being read, which gives the Governor-General power to make laws for Europeans as well as natives,

Mr. *Wynn* objected to the clause, as giving to the Governor General a vast and unnecessary power. The clause established principles totally different from those on which the government of India had been conducted for the last fifty years. He understood, the reason for it was to enable the Governor General to have some control over the Supreme Court; but there never had been a contest between the two to justify such an enactment.

Mr. *Robert Grant* said, that the power to be given by the clause was absolutely necessary, for the greatest inconvenience had already been experienced by an opposition between the Executive power and the Courts of Judicature, which neither party had the power to put an end to. There was an effectual control over the conduct of the Governor General, possessed by the Board of Directors and the Board of Control; but there was no control over the Supreme Court, except that which was given by this clause.

Mr. *Hume* admitted the necessity of the Governor General having great power; but he wished that it were subject to some control by public opinion. He desired to see all his laws made public before they were acted on, and he should also desire that the debates in the Council might be known to the public. He wished to know whether a native might not be appointed a member of each of the different Councils?

Mr. *Charles Grant* said, there was nothing to prevent a native of British India becoming a member of the Council, and filling that fifth place which was not to be filled by a servant of the Company. As to promulgating the laws, the Board of Directors were by one clause directed to establish regulations for promulgating them.

Sir *Robert Inglis* said, it was quite certain, that the Governor General must have large discretionary power; but his power was so limited by several subsequent clauses, that it was perhaps not too great.

Mr. *Cutlar Fergusson* said, that the Supreme Courts in India were established to protect Europeans from the power of the Governor General, and that principle had been wholly overlooked in this clause. He believed that, to remove these Europeans from under the protection of the Supreme Court would shake the security of property at Calcutta. The hon. and learned Gentleman moved an Amendment, the object of which was to secure to the British and other residents of the town of Bombay, Madras, and Calcutta, all the rights and privileges of British law, as now administered by the King's Courts in those presidencies respectively.

On this Amendment the Committee divided: Ayes 33; Noes 114.—Majority 81.

The Clause agreed to.

List of the Ayes.

Aglionby, H. A.	Bellew, R. M.
Attwood, T.	Duffield, T.
Buckingham, J. S.	Godson, R.
Briggs, R.	Gillon, W. D.
Baldwin, Dr.	Green, T. G.
Blackstone, W. S.	Hume, J.
Blake, M.	Lowther, Colonel
Brotherton, J.	Lister, C.

Manners, Ld. Robert	Stanley, E.
O'Brien, C.	Sheil, R. L.
O'Connell, D.	Talbot, J.
O'Connell, J.	Vyvyan, Sir R.
O'Dwyer, A. C.	Wynn, W. C.
Palmer, R.	Whitmore, W.
Pryme, G.	Wilks, J.
Roche, W.	
Ruthven, E.	TELLER.
Russell, C.	R. C. Fergusson.

Clauses to the 54th inclusive were then agreed to. The House resumed — the Committee to sit again.

HOUSE OF LORDS,
Tuesday, July 16, 1833.

MINUTES.] Papers ordered. On the Motion of Earl GREY, A Copy of the sequel of Correspondence between the Board of Control, and the East-India Company.

Bills. Read a second time:—Drainage Rates Recovery.—Read a third time:—Public Works.

Petitions presented. By the Bishop of ROCHESTER, from the Clergy of Rochester.—By the Archbishop of CANTERBURY, from twelve Irish Bishops; and by Lord CARBERY, from several Places in Ireland, against the Church Temporalities Bill.—By Lord SALTOUN, from Inverness, for Performing the Church Service in Ireland in the Irish Language.

HOUSE OF COMMONS,
Tuesday, July 16, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. BLAKE, Account of the Property of the Corpor-ation of Galway and of Cashel.—On the Motion of the Earl of KERRY, Copy of any Documents in the hands of the POOR Law Commissioners with regard to the Labour Rate Bill.—On the Motion of Mr. BARING, an Account of the quantity of Refined Sugar Exported from London, during the last seven years.—On the Motion of Mr. BROTHERTON, an Account of all Sums of Money paid under the Authority of the 48th George 3rd, cap. 43, into the Court of Requests in Manchester by Debtors, and not claimed by Creditors.—On the Motion of Mr. HUME, Copies of Treasury Warrants, dated February 22nd, 1821, granting Compensation to H. B. Beresford, Esq., and J. C. Beresford, Esq.; of the 1st March, 1810, granting Compensation to the Reverend Sir Harcourt Lees, Baronet, and J. C. Lees, Esq.; and of the 16th September, 1825, granting Compensation to Lord George Seymour, and Hamilton Seymour, Esq.

Bills. Read a third time:—Lunatic Commissions.—Read a second time:—Parish Vestries Act Amendment.

Petitions presented. By Mr. BROTHERTON, from the Licensed Victuallers of Skipton, for the Repeal of the Sale of Beer Act.—By Mr. TANCRED, from Leamington, for Extending the Boundary of the Borough of Warwick to the Town of Leamington.

EAST-INDIA CHARTER.] The House on the Motion of Lord Althorp went into a Committee on the East India Company's Bill.

On the 55th Clause being read, which enacts, "That the executive Government of each of the several Presidencies of Fort William, in Bengal, Fort St. George, Bombay and Agra, shall be administered by a governor, and that the Governor General of India for the time being shall be the Governor of the Presidency of Fort William in Bengal,"

Sir *Harry Verney* objected to the clause, on the ground that it would be attended with great mischief, by enabling the Court of Directors to empower the governors of any of the provinces to carry on their administrations without the aid of a council. He considered it highly injurious to place such extraordinary powers in the hands of any government.

Mr. *Cutlar Fergusson* said, it ought undoubtedly to be enacted, that the acts of the Governor should be done with the advice of a council. That was an appropriate check on the Governor, at the same time he should be allowed, in cases of emergency, to act contrary to their advice, on recording his reasons for doing so. Unless the Governor were obliged to state his reasons, for acting in opposition to his council, the Government at home and the Court of Directors, would never know upon what ground he proceeded, and must be unable to decide on the real merits of the case. He trusted that the clause would not be maintained; but if it were, it ought to be transposed. The Bill enacted a change, and then it gave liberty to revert to the old system. The enactment ought to be, that the Governor should not act without council, and that the Board of Control or the Court of Directors should have, as the exception, the power of relieving the Governor from the restriction of acting with a council. The council was a part of the old system which had never been called in question. All experience justified it. He trusted, therefore, that his right hon. friend would reconsider the clause, which, in fact, required much deliberation before it was carried into effect. He repeated, that it altered a most wholesome, and perhaps, the most beneficial part of the present system, and it ought not hastily to be carried into effect.

Mr. *Hume* thought, his hon. friend's views were supported by the fact, that the Governors of Madras and Bombay were very often persons who had never before been in India; and how could such men act without a council? He was convinced that the House would act most injudiciously, and expose India to much danger, were this clause to be carried. He should certainly oppose it. He knew no good reason for making the change. The Pre-

sidencies as now constituted were immense trusts to be placed in the hands of any one man, and he should never consent to placing this power in the hands of a Governor without a council. While the councillors were compelled to record their opinions and the reasons for them, that was an excellent means of enlightening the Directors at home. Moreover, without the council the Governor General would have no other element for judging on any important matters arising in the Presidencies, than the opinion of only one man.

Sir *Robert Inglis* concurred in the view of his hon. friend (Mr. Cutlar Fergusson.) If such men as Sir Thomas Munro and Mr. Elphinstone could always be found, one part of the objection would be removed, as these gentlemen had most accurate local knowledge. But as such individuals were not always to be found, and not always appointed, those who had no local knowledge must necessarily rely on the first person possessing local knowledge who could obtain influence over them. He thought that a council might be good in correcting the local prejudices even of those who had local knowledge. He opposed the clause, and concurred with the hon. member for Kirkcudbright, in saying, that at least the clause was misplaced. After the representations which had been made, he trusted that the Government would reconsider this clause.

Mr. *Charles Grant* said, the clause was not placed at haphazard, but was duly considered. The real point before the Committee was, not whether or not subordinate Governors should have councils. That was part of the clause, but the exceptions and limitations accompanying it were many. In fact, the question was not decided by the clause, but it was left open to the Board of Control and the Court of Directors to decide whether the subordinate Governors should have councils or not. He did not think that the rule ought to be so inflexible that the Parliament should decide for twenty years that there must be in all cases a council. The Government thought it was better to leave the question to be decided by circumstances. The Government thought also, that where councils existed they should be continued; but in the new Presidency of Agra it was certainly proposed to appoint the Governor without a council. If it were found that the experiment succeeded in this instance, the Court of Directors, by the Bill, might supersede the councils at other Presidencies. It was of no consequence whether the rule or the exception were made the enacting clause. The only question was, whether it was more advisable to tie up the Directors and the Board of Control by a positive enactment, or leave the point open to their discretion? The Government, after much deliberation, had decided in favour of the latter course. The ablest servants of the India Company had proposed the very arrangement which the hon. member for Kirkcudbright so severely censured. It was shown, too, by the evidence of several Gentlemen, that all discussions in the council were conducted by the Secretary to the Presidency. By removing the council they would not get rid of all the discussion, unless they also got rid of the Secretary. He would continue to record his opinions, and nothing could be done without his signature.

Mr. *Cutlar Fergusson* wished responsibility with discussion, but the decision or opinion of the Secretary did not involve any responsibility; the opinion given by councillors did. He contended that his opinion was supported by the authority of Mr. Elphinstone, which was as great as that of any man who had ever been in India. He moved, as an Amendment—leaving Agra unconnected, as a part of the Presidency of Bengal—"that the Presidencies of Fort St. George and Bombay should be administered by a Governor and council." To intrust the proposed power to the Board of Control and Court of Directors was what he would not consent to. The object of his Amendment was to keep up the councils at the existing Presidencies.

Mr. *Robert Grant* thought, there was some inconsistency in the hon. Gentleman's argument, who would leave such a dangerous power, as he described it, to the Directors as to Agra, but not as to the other councils. He doubted whether Agra did not more require a council than either of the other Presidencies.

Mr. *Cutlar Fergusson* had no objection to insert Agra in his Amendment. He was willing to leave the subject to the Committee, with his hon. friend's second thoughts upon it.

Mr. *Wynn* thought, that it was essential to the good government of India, that the subordinate Governors should have the assistance of council. He did not conceive that a Secretary, who was selected and appointed by the Governor, was at all likely to give an independent opinion, or at all

capable of acting as a control on the Governor. He objected to giving the power proposed to the Court of Directors, because he thought that Parliament ought itself to determine the form of government. That was a question of such importance, that it ought to be left to no subordinate authority whatever. He would not object to the experiment of dispensing with council being tried at Agra, under the authority of Parliament. In the other cases, they were departing from the established system without any reason whatever. He was decidedly of opinion that Parliament should enact that the Governors of the subordinate Presidencies should have councils. If that were not the case, he should still contend that it ought to be the rule, and the power to dispense with it the exception.

Sir *Harry Verney* referred to a sentiment of Mr. Canning, who stated, at Sir John Malcolm's dinner, that he believed that no Monarchy in Europe had in the same time produced so many great men as the Administration of India. Taking that view, he thought it was incumbent on the Government not to make this alteration without great consideration. He would not support the clause.

Mr. *Charles Buller* recommended the Ministers not to abandon the proposed plan. He was in favour of the clause, and quoted the opinion of Mr. Holt Mackenzie, to justify the leaving the Governors without council, if that were thought desirable by the Court of Directors. The Governors were executive officers, and responsibility was more complete by being vested in one person than in several.

Mr. *Charles Marjoribanks* thought the hon. member for Kirkcudbright was perfectly right, and that this was a most dangerous innovation. He hoped that the clause would not receive the sanction of the Committee.

Colonel *Evans* had heard no reasons to justify so important an alteration, and unless some proof of evil resulting from the present system were brought before the Committee, he should hope that the Government would not persevere in the clause, which he thought ought to be reconsidered. It was the practice to send Governors to these Presidencies totally unacquainted with the manners of the people, and to take away the council from such men would be most dangerous. He objected to making Agra an independent Presidency: it ought to remain dependent on Bengal.

Mr. *Charles Grant* repeated, that the Bill would make no change in Bombay and Madras. Those Presidencies would remain as they were. It would certainly be open hereafter to make a change in them if the experiment to be made at Agra was found to answer.

Lord *Ashley* thought, that the councils were necessary. They were an efficient control on the Governor, and were persons of responsibility. During the time he was in office, he knew that the interference of the council saved one of the Presidencies from serious mischief.

Mr. *Strutt* said, the only question was, whether the point should be settled by Parliament or be kept open to be settled by the Directors. It was admitted by those who opposed the clause, that it was wise to make the experiment with Agra, and, therefore, it was absurd to tie up the hands of the Directors as to trying the same experiment with Madras and Bombay. He should support the clause. He would give no opinion, however, as to the propriety of doing away with the councils of the two Presidencies in question.

The Committee divided on the Amendment—Ayes 32; Noes 41: Majority 9.

Sir *Harry Verney* moved, as an Amendment to the clause, that the Governor General be the Governor of the whole province of Bengal; and that there be named two Lieutenant Governors, one of the upper and the other of the lower provinces, to carry on the details of the Administration. This alteration was recommended by several men of authority. It would place the Supreme Government in the hands of the Governor General, and exempt him from attending to the details of the Administration.

Mr. *Charles Buller* wished to suggest, as an Amendment, that the whole of the clause should be left out, with a view of substituting a different arrangement. The question was put on Sir Harry Verney's Amendment.

Mr. *Hume* could not concur in the proposal.

Amendment negatived without a division.

Mr. *Charles Buller* moved, to omit a great part of the clause, with a view of proposing that a Supreme Governor of India should be appointed distinct from the governorship of any particular Presidency.

Mr. *Strutt* supported the Amendment. He thought that the great fault of the government of India was that of giving to

the Governor General a great responsibility with a limited power.

Mr. *Hume* asked, if it would not be better to separate the duties of the Governor General from the minor details of any one of the Presidencies? He would support the Amendment.

The Committee divided on the Amendment—Ayes 9; Noes 55: Majority 46.

The Clause agreed to, as were Clauses 56 and 57.

List of the AYES.

Baldwin, H.	Sinclair, G.
Ewart, W.	Strutt, E.
Gillon, W. D.	Wilks, J.
Godson, R.	TELLER.
Hawkins, J. H.	Buller, C.
Hume, J.	

The House resumed. The Committee to sit again.

PORTUGAL.] Mr. *Robinson* said, he felt it his duty to call the attention of the House to a circumstance of some importance connected with the trade of Portugal. A notification had that morning been sent to Lloyd's, from the Foreign Office, to the effect, that the regency of Donna Maria intended to establish a blockade of the port of Lisbon, and all other Portuguese ports which refused to acknowledge the sovereignty of Donna Maria. It was contrary to all rule to announce an intended blockade. Notification was never made until the blockade had actually taken place.

Colonel *Evans* rose to order. The hon. Member had not given notice of a Motion, and it was irregular to enter into such statements when no question was before the House.

The *Speaker* said, that though it was not regular to bring forward a Motion without notice, a Member had a right to do so if he pleased, and he supposed, that the hon. Member would conclude by a Motion.

Mr. *Robinson* said, it was impossible that any communication could have been made to the Foreign Office from the Regency at Oporto since the capture of Don Miguel's fleet. He could not help admiring the gallantry of Captain Napier; but as a commercial man he must regret, that British officers and seamen had been engaged in the contest. He had suffered severely from the suspension of our commerce with Portugal. The hon. Member concluded by moving for a copy of the notification issued from the Foreign Office respecting the intention of the Regency of Donna Maria to institute the blockade of Lisbon.

Lord *Althorp* said, that the hon. Member had a perfect right to submit his Motion without notice. but he regretted, that he had done so, because it had deprived him of the opportunity of considering whether or not he ought to accede to it. The hon. Member's object appeared to be to complain of the notification which had been made to Lloyd's. He was not aware whether the notification was in the usual form; but the hon. Member must perceive, that the object was merely to warn British merchants, and he could not conceive that there was any ground to complain of that. The hon. Member had alluded to what it was impossible not to admit to be a most gallant action. The hon. Member knew, that the British officers who interfered in the contest at present going on did so at their peril. The Government could not sanction such proceedings, but at the same time it was impossible not to admire the bravery which had been displayed. If the answer which he had given the hon. Member was not so satisfactory as he could have wished, the hon. Member must attribute it to his not having given notice of his Motion.

Colonel *Evans* expressed his surprise, that the hon. Member should complain either of the blockade or of the notification of it. As to the blockade itself, it was the necessary result of the extermination of Don Miguel's fleet. He (Colonel Evans) complained, on the part of the British merchants, that the hon. Member should assume to represent their feelings. The hon. Member, in the same statement, expressed his admiration of the gallantry displayed by his countrymen, and his regret that they should have engaged in the contest. This was very inconsistent. Since the question had been brought forward, he could not refrain from expressing a hope, that in consequence of the event which had recently occurred, Ministers would decide upon acknowledging the sovereignty of the lawful ruler of Portugal.

Sir *Edward Codrington* rose to express his admiration of the gallant exploit performed by Captain Napier, which would have the effect of promoting the peace which all parties were anxiously looking for; indeed, he believed, that at the time he was speaking Donna Maria's authority was established in Portugal. He hoped, that Ministers would hasten to recognize her as the Queen *de facto* of Portugal, and so confer a boon upon commerce.

Motion withdrawn.

TAXATION.] Mr. *Ruthven* rose to submit a Motion for the reduction of taxation. He did this because much of our expenditure was most unjust; and all must admit, that it was most burthensome. The chief sources of expenditure, and, consequently, of taxation, were our immense establishments, and the long list of sinecurists. Unless these were reduced, it was vain for the country to look for any substantial relief. The establishment for the payment of the National Debt, and the interest of the debt, cost no less than 28,000,000*l.* a-year. Our naval and military establishments had been of late considerably augmented, instead of decreased. The Ministry took office under a solemn pledge, that they would go further than their predecessors in the reduction of the public expenditure. But they had increased two of the most expensive establishments of the country—the army and navy. They had dismissed a few poor clerks, who were thus deprived of the means of livelihood; but it was not by a pitiful economy of that kind that the people of this country sought to relieve themselves. They wanted to get rid of the sinecurists, who annually receive hundreds of thousands of pounds of the public money, for which they rendered no service whatever. Why had not the noble Lord, the Chancellor of the Exchequer, who complained of the difficulty of effecting further reductions, applied himself to the sinecures? Ministers while they were on the Opposition side of the House, were vociferous in the expression of their horror and abomination of sinecures, and now that they had the power, why did they not act? Was it decent to see upon the list of sinecurists such names as Ellenborough, Thurlow, Kenyon, and others who were enriched by fees levied in the Courts of Justice? He wished to see meritorious public officers amply rewarded; but, by the existing system, while the idle and the worthless were loaded with sinecures, the merits of the active and laborious were wholly passed by. A claim for a salary without doing any duty could not be just. Beyond the charity of the country, the sinecurists could have no claim whatever. In Scotland, the list of sinecure places was quite surprising. The Keeper of the Privy Seal had 3,000*l.* a-year: the Keeper of the Signet, 2,500*l.*, which, considering the cheapness of living in Scotland, might be rated as enormous. While these Leviathan plunderers of the people were suffered to remain, it was vain to seek to appease the public desire for reduction, by casting off a few poor clerks. After the repeated pledges which have been given by the Members of the present Administration, he did not anticipate any objection to the Resolution he meant to propose. He had drawn it up so as to meet the views, he thought, of all parties, and without trespassing further on the House, he would conclude by moving: "That the reduction of taxation and the diminution of the public burthens, by every attention to economy, are objects of paramount importance, and that in justice to the people who pay taxes, all sinecure places should be abolished throughout the British empire."

Mr. *Spring Rice*:* I confess that I undertake the duty of replying to the hon. Gentleman, less with the view of answering his arguments, or contradicting his facts, than with the intention of showing the fallacy and the injustice of many of the inferences which might be raised from that speech, if it were left wholly unnoticed. As to the general principles which he has laid down, I perfectly and entirely concur in them; and I trust that the House will concur in them also. I hope that, at the present time of day, no individual will be found in the House, or in the country, who can venture to rise, and to defend sinecure offices, or who can pretend to justify any source of expenditure which may be reduced or abolished, consistently with the public interest. Such being the case, it may be asked, why I should take the liberty of occupying any portion of the time of the House, or why I should trespass upon its indulgence, without pursuing the hon. Gentleman through his arguments? —My answer is, that I make my statement for the purpose of overthrowing his inferences—a matter of some importance to the House, to the Government, and more particularly to those hon. Gentlemen who have sat through the present Session of Parliament. The inference to which I mainly object, as one but too naturally deducible from the hon. Gentleman's speech, and that inference to which I shall, consequently, apply myself, and endeavour as far as I can to remove, is the following:—The Resolution proposed may be considered as suggesting a doubt whether the present Government, since their accession to office, have done their duty with zeal and with

* Reprinted from the corrected edition.

fidelity; or whether they have not been indifferent to the pledges which they had previously given, and unmindful of the duties which they had undertaken to perform—whether they have not deserted that line of close and severe economy to which they had pledged themselves to adhere? I am fully aware, that the relation of dry facts, particularly where it involves references to figures, is never very agreeable to the House; but I think it important, by a simple detail, to make hon. Members acquainted with what has really been effected in the way of retrenchment. The House should be made aware of the facts before they sanction an inference, or even contribute to raise one. They should not lightly suggest to the public, that the conduct of the King's Ministers, or of the House itself, has been such as to disentitle both to the confidence of the people. In this question, the character of the Reformed Parliament, as well as of the Government, is deeply involved; for if we have been careless and profuse, then has this House which supported us been negligent, culpable, and subservient. The question, then, is, have the Government and the House abused or betrayed their trust? In order to decide on what has been really done, I shall try our conduct by a severe test, and shall take the liberty of referring to the highest authority upon a question of this kind. I take a standard which cannot be disregarded, even by the hon. Mover of this Resolution himself—I allude to the hon. member for Middlesex, who, I regret to perceive, is not at this moment in his place. I shall first show what, some years ago, this great economical authority contemplated, as being the greatest reduction of expenditure that could be by possibility effected. I shall next proceed to show the reduction which has actually been effected; and I shall then leave the House and the public to decide, whether our pretensions to economy have been borne out by the results. On the 27th of June, 1821, the hon. member for Middlesex, having laid before the House a very able general statement of the income and expenditure of the country, justly complained of the amount of the latter: he stated, specifically, the items in which he thought reductions might be made, and he pointed out to the Parliament of that day the retrenchments which it was their duty to enforce. Upon that occasion the hon. Member stated, that the amount of the expenditure of the country for the year 1820, after deducting the sum paid for the interest of the National Debt, was 22,087,501*l.*; and, of this sum, he suggested the following reductions:—in the army, 1,879,818*l.*; in the navy, 1,108,543*l.*; and in the miscellaneous expenditure, 250,000*l.*; making a total reduction of 3,238,361*l.*; and, consequently, leaving the annual expenditure of the country for the Civil List, Civil Government, and Naval and Military Establishments, 18,849,130*l.* This sum was the maximum of reduction, which, in 1821, the hon. member for Middlesex thought it practicable to recommend. Now, let us inquire what has been the actual amount of the expenditure of the year 1832. It has been 18,050,240*l.*; being a reduction below the amount recommended by the hon. member for Middlesex of no less than 798,890*l.*; and, if a comparison were made with the present year's estimate, the result would be still more gratifying. But the hon. member for Middlesex did not stop here: after suggesting these proposed reductions in the army, navy, and miscellaneous expenditure, he stated, truly, that the expenses of the collection of the revenue were then excessive, and were capable of very considerable diminution. The expense of collecting the revenue in the year 1820, amounted to 4,120,641*l.* 13*s.* 5¼*d.* Now, what did the collection of the revenue cost the country last year?—3,618,158*l.* 9*s.* 1*d.*; showing a reduction below the expenditure of 1821, of 502,483*l.* 4*s.* 4¼*d.* The account, then, stands thus:—In 1821, the hon. member for Middlesex, anxious (as he always is) to carry a reduction to its utmost extent, stated that the general expenditure of the country was capable of being reduced to 18,849,180*l.*; and he complained that the expense of collecting the revenue, amounted to 4,120,641*l.*; and he stated the maximum to which he thought reduction could be carried. In the year 1832, however, the general expenditure of the country was reduced to 18,050,240*l.*, and the expense of collecting the revenue has been reduced 502,483*l.* 4*s.* 4¼*d.*; being a reduction, in the general expenditure, considerably below the hon. Member's estimate. I, then, venture to repeat, in justice to the Government, and in justice to this House—in justice to our constituents—that when hon. Gentlemen come down and complain of want of economy, they shut their eyes to these important facts. If further reductions are necessary, and if they are practicable, let us make them; but hon. Gentlemen are encouraging an unjust ground of complaint among the people—they are creating undeserved reasons for distrust and discontent, when they impute to the Government and

to the Legislature a remissness to perform this necessary duty, and when they erroneously state, that nothing has been done. We, who were zealous for economy in 1821, and who supported the proposition of the hon. member for Middlesex, we, are now entitled to turn round to our constituents, and to say—"All we then contended for, and considerably more than was then contemplated, has now been accomplished." But I may be expected to show, in greater detail, the amount of the reductions which have been made; I am prepared to do so. I hold in my hand a comparison of the sums voted for the supply for army services, &c., from the year 1817, down to the present period; together with a statement of the Estimates framed by the Finance Committee of 1817. I beg the attention of the House to this statement:—

Comparison of Votes in Supply, from 1817 to 1827.

Estimate of Finance Committee, 1817	£17,350,000
Amount Voted.	
1818	£18,970,959
1819	18,488,447
1820	19,673,717
1821	18,358,651
1822	16,679,633
1823	15,878,313
1824	16,734,713
1825	17,593,252
1826	17,942,963
1827	18,745,360
1828	17,776,999
1829	17,626,855
1830	16,648,762
1831	17,782,487
1832	15,411,571
1833	14,622,219

These figures prove a reduction of 2,727,981*l.* beyond the economical estimate made by the Finance Committee in 1817; and we have thus the satisfaction of thinking, that the Estimates now upon the Table of the House are the lowest, by a very considerable amount, of any that have been submitted to Parliament since the commencement of the peace. The Estimates for 1833 are 2,728,000*l.* less than the average Estimates of 1828, 1829, and 1830; and are less than the average of the three years 1825, 1826, and 1827, by the still larger sum of 3,471,000*l.* Before I proceed further with these details, let me entreat hon. Gentlemen to relieve their minds from many popular delusions which have been industriously circulated, and which have been this night repeated by the hon. member for the city of Dublin. He has reasoned as if, in the discharge of our economical duties, Parliament could exercise a control over no less a sum than 52,000,000*l.* Gentlemen cannot but be aware, that a very mischievous and a most erroneous impression exists in the public mind upon this point. It is repeated pertinaciously out of doors—"When Government have an expenditure of 52,000,000*l.* to deal with, how very unreasonable is it that they should not be able to effect reductions greater than from 2,400,000*l.* to 3,000,000*l.*" But it should be borne in mind, that a great portion of this gross amount of annual expenditure is placed completely beyond our power. In the first place, there is the interest on the National Debt, amounting to upwards of 27,000,000*l.*; next follows the dead weight, or half-pay of the army, the navy, and the retired and superannuation charges for civil officers—all of which, as far as an annual vote is concerned, are wholly unsusceptible of reduction—if these are added to the interest of the National Debt, they constitute no less a portion of the yearly expenditure of the country than 32,949,000*l.*, or, as we may say, in round numbers, 33,000,000*l.* Now, the actual expenditure of last year was 44,922,000*l.*, or, to speak again in round numbers, 45,000,000*l.*; so that, the sum actually within the control of the Government, after deducting the amount of the dead weight of the interest on the National Debt, and of the fixed charges on the Consolidated Fund, does not amount to 12,000,000*l.* Therefore, although it may not be reasonable to expect, that the people should be contented with a reduction of 2,000,000*l.* or 3,000,000*l.* upon an expenditure of 45,000,000*l.*, such a reduction must, I think, be admitted to be very considerable, when it is made upon an expenditure of 12,000,000*l.* I shall now take the liberty of calling the attention of the House to a paper which has not yet been printed, but which is upon the Table, and which will shortly be in the hands of every hon. Member. It is an account of the reductions made since 1821, in the establishments of the great departments. It must be understood that this relates only to those particular offices, which are fixed on the several establishments—great reductions having also been made in other branches. The annual charge for these offices amounted, in 1821, to 3,772,809*l.* In 1832, it amounted to 2,819,620*l.*, showing a reduction in the salaries of the officers attached to these civil establishments of 953,189*l.*, to

which may be added further reductions now in progress, amounting to 73,000*l.*—giving a total reduction in this branch of expenditure alone of 1,026,189*l.* To effect this reduction, no fewer than 5,689 persons have been removed from the public service, and an equal number of places have been actually abolished, I say, then, that this is satisfactory. It is true, that as this comparison is made between the years 1821 and 1833, it of course embraces the reductions which were made by the late, as well as by the present Government. It will naturally be asked how much of this reduction has been the work of the present Government? And, in a few words, I shall endeavour to show what has been the progress of reduction by us since our accession to office. But, I must first repeat what I have frequently stated—namely, that the late Government, in its disposition towards economy, carried reductions in many departments as far as, under the circumstances, and at that time, it might be considered prudent or proper to go. I have never under-valued the reductions of the late Government; but the bolder their economical measures were, the greater, of course, the difficulty of effecting further reductions; and, therefore, when the merit of the late Government in this particular is fully admitted, I trust that, without presumption, I am entitled to take credit on behalf of those with whom I serve, for the additional merit of carrying these economical principles into fuller effect. I shall now show what has been the progress of reduction in these establishments, from the commencement of the Duke of Wellington's Administration. I hold in my hand—

An Account of Reductions effected in the Number of Persons employed, and in the Amount of Salaries, in all Public Offices or Departments, in the years 1828, 1829, 1830, 1831, and 1832, exclusive of the Coast Blockade, which was transferred from the Admiralty to the Customs in 1831.—(Extracted from the Annual Accounts of Increase and Diminution).

Years.	Diminution in the number of persons employed.	Diminution in the amount of salaries.
		£.
1828, ended 5th January, 1829	307	27,997
1829 ,, ,, 1830	124	8,116
1830 ,, ,, 1831	478	70,064
1831 ,, ,, 1832	652	113,940
1832 ,, ,, 1833	613	106,019
Total Reduction .	2,174 persons	£326,145
Reductions in the years 1828, 1829, and 1830 . .	909	106,177
Reductions in the years 1831, and 1832 . . .	1,265	219,968
Average reduction in first three years . . .	303	35,392
Average reduction in last two years . . .	632	109,984

	Persons.	Salaries.
Therefore, had the reductions of the present Government proceeded in the same proportion with those of their predecessors, they would have reduced	606	£70,784
But their reductions in 1832 and 1833 have been	1,265	219,968
Excess in favour of the present Government	659	149,184

The hon. member for the city of Dublin has stated, that the whole of this saving has been effected by the reduction of the smaller and inferior offices. Upon that point the hon. Member is entirely mistaken; and I can bring it to issue in one moment by stating, that while the average salaries of the persons reduced under the late Government amounted to 116*l.* 16*s.* 1*d.*, the average salary of the persons reduced under the present Government has amounted to 226*l.* 7*s.* 8*d.*; so that our reductions have been made in a class of officers whose salaries were double the amount of those who were reduced under the late Government. But this is not all; some few years since, a paper was laid upon the Table of this House, which very naturally attracted a great deal of attention. It was moved for by my right hon. friend, the first Lord of the Admiralty, before he came into office, and it contained a return of the number of persons employed in the public service, who received salaries of more than 1,000*l.* a-year, and of the amount received by each. I have ordered a return to be prepared, which shall be laid before the House, exhibiting the reductions which we have made in these higher classes of salaries. It cannot, at least, be said, that these reductions extend only to the salaries of clerks, as this account embraces only such offices as, taken separately or in combination, produce annual emoluments of 1,000*l.* or upwards. Let us now inquire what is the result of the comparison between the emoluments of these higher offices in 1830, when we came into office, and at the present moment. The return comprehends the Treasury, the Exchequer, the Secretaries of State, the President of the Council, the Board of Trade, the Board of Control, the Privy Seal, the Admiralty, and offices in the Customs, Excise, Post-Office, Stamps, and Taxes, the Lord-lieutenant of Ireland, and various other great offices. Now, by the paper which I hold in my hand, it appears that, when we entered office, the annual salaries derived from these offices amounted to 315,649*l.*; the amount at the present moment is 166,743*l.* Therefore, upon these salaries we have effected a reduction of 148,906*l.*

Another branch of expenditure is embraced in the same return—I allude to the diplomatic expenditure. When we came into office, we found that branch of expenditure amounting to 178,000*l.*; we have reduced it to 127,000*l.*; and thus we have here effected a further saving of upwards of 50,000*l.* Therefore, if we add together these two sums, the result is, that salaries amounting to 494,000*l.* a-year, have been reduced to an annual sum of 294,000*l.* a-year. In these departments, therefore, we have effected a reduction of 199,000*l.*, and the same public services are now carried on for salaries diminished upwards of forty per cent. Gentlemen may possibly think it to be the duty of the House to compel us to make further reductions; but I do submit that, in common truth and justice, they ought not to shut their eyes to what has been already done; and I take the liberty of saying to those Gentlemen who seize every opportunity of reflecting on the Reform Bill, and who maintain that the Government yield nothing to public opinion —that they have effected no reductions—that they are utterly careless of economy—and indifferent to their pledges and principles—I venture to assert, in reply to those hon. Gentlemen, that, in attacking us, they are undervaluing themselves; and that, in passing over these unexampled reductions, they seek to conceal from the public the reason and the justification of the support with which we have been honoured. But it is said, the House of Commons have not themselves made reductions of the Estimates in Committees of Supply. True; but the more economical is a Government, the less Parliament will have the power of doing. To illustrate this argument, let us take my hon. friend, the member for Middlesex, as the personification of all economy; let us suppose that my hon. friend were Chancellor of the Exchequer, and that in his Estimates every reduction was made which was compatible with the public service—what would in such case remain for Committees of Supply? Hon. Gentlemen who are fond of distinguishing themselves by economical votes—Gentlemen who are ambitious to have their names registered in small minorities—would, like Othello, find "their occupation gone." A Government, perfectly economical, would deprive them of all opportunity of distinction. The work would all be done to their hands. I have not as yet touched on another most important branch of the annual expenditure on which reductions have been effected by the present Government—I allude to our colonial expenditure. Upon this point, I take the liberty of claiming the attention more particularly of the hon. member for Worcester, who has always devoted himself most usefully and honourably to this subject in Committees of Supply. A certain proportion of this reduction is a saving to the colonies, but a very considerable proportion also, is a saving to the British public. When we took office, these colonial charges amounted to 572,802*l.* 9*s.* 7¼*d.*, not including the military expenditure. On this sum, my noble friend, the late Secretary of State, the Earl of Ripon, has effected an immediate saving of 133,917*l.*, and there are further prospective savings directed exceeding 90,000*l.* When these are effected, the whole saving will amount to a sum of 224,200*l.*, which will reduce the permanent charge to 348,602*l.* There is, therefore, an immediate reduction of twenty-three per cent, and an eventual reduction, which will increase that saving to thirty-nine per cent. I think the hon. Gentleman must admit, that in making these reductions we have effected that which is important, in a pecuniary point of view, and that in thus limiting the patronage of the Crown, much has been done to enforce our constitutional principles, and to realize the just expectations of the people. I proceed next to another important branch of expenditure. I am aware, Sir, how dull and dry these details must appear; but they are important to the people of England; and be assured that Gentlemen will be asked elsewhere what reductions have been made by a Ministry of Reformers in a Reformed Parliament? If I may be allowed to speak of myself, I may venture to add, that the opportunity of making this statement is, in some respects, not only gratifying, but convenient to myself. Very frequently our political friends—and, at times, some political foes—have come to me and asked for a memorandum of the reductions which we have made. I have been told, "There is a county meeting in such a place." "There is the anniversary of my election," says a second. "There is the dinner of our independent club," observes a third. "Will you have the goodness to give us, in some tangible and intelligible shape, a list of your reductions? We cannot rest upon mere professions," say they; "show us your good works, in order that we may justify the faith that is in us." It is to furnish hon. Members, and to furnish the public with answers to these very

natural and constitutional inquiries, that I have thus endeavoured to explain at length the reductions we have effected. I proceed to the reductions effected in the collection of the revenue. I have shown the House, that in the interval which elapsed between the year 1820 and 1833, there has been upwards of 500,000*l.* saved in the collection of the revenue. In the Customs Revenue, in twelve years, 2,742 offices have been abolished, as vacancies occurred; making an annual saving of 273,984*l.* Of this sum a considerable proportion has been saved during the last few years. By a Report from the Customs called for by the Lords of the Treasury, and made on the 11th January, 1832, reductions were recommended to the amount of 31,438*l.* Of this saving it was suggested that 6,468*l.* might be immediate, and 24,970*l.* prospective. By measures now under consideration of the Treasury, and by reductions in the colonial customs in North America, the West Indies, New South Wales, and Van Diemen's Land, we fully expect to make a total reduction of 76,490*l.* And already during the years 1831 and 1832, 414 offices have been discontinued, and a saving of 28,791*l.* 6*s.* 6*d.* has been actually made. The following account explains this statement:—

24 Officers appointed to vacant stations from reducement list, and their allowances saved -	£1,956	3	0
172 Offices abolished on promotions - -	9,642	15	6
242 Offices vacant by death and not filled up -	17,192	8	0
414 Officers. Total reduction	£28,791	6	6

I wish to call the attention of the House very particularly to the first sum in this account, not so much from the sum saved, as from the principle asserted, which the House will see is of the last importance. By bringing forward retired and redundant officers, the amount of their half-pay and superannuation allowances is altogether saved to the public, and the Government prove their sincere disposition to economize, by reducing at once the dead weight of the service, and by making a surrender of all patronage. I set off against the superannuations granted, the amount that is thus saved, by appointments from the retired list. I hold in my hand another Return, by which it appears that there have been brought from the dead-weight list, since 1828, 745 retired and redundant officers, by which a saving of 38,999*l.* has been effected. For the purpose of proving to the House how active we have been in applying this principle, I shall read a statement of the number of officers taken from these lists in the time of the present and of the late Government. In 1828, twenty-nine such officers were brought forward; in 1829, the number was twenty-three; in 1830, it was 220; in 1831, it was 220; and in 1832, it was 248. Thus we have not only adhered to this important principle, but, year after year, we have endeavoured to apply it more extensively and with greater strictness. In the department of excise, the reductions made in the years 1830, 1831, and 1832, were as follows:—There has been a diminution to the amount of 507 persons in the number employed, and a reduction of 68,058*l.* in the salaries paid; there has been a decrease in the superannuation and retired allowances of 4,750*l.*, and, in the official expenses, of 72,502*l.* making the whole annual reduction in the charge of that establishment no less than an aggregate sum of 145,000*l.* a-year. I will not trouble the House by going through a lengthened statement of the reduction which has been effected in other Revenue Boards —in the Stamps, Taxes, and Post Office— but I must take this opportunity of warning those Gentlemen who think they can venture much further in reducing the expense of collecting the revenue, that they can only do so at a very considerable risk to the revenue itself. If I could appeal to the hon. member for Hull, to the member for Greenock, and to representatives of other large commercial towns, they would inform the House, that at present the great complaint on behalf of the merchants is, that the reductions have been already carried so very far, that we have run the risk of interfering with the interests of commerce, and of impairing the efficiency of the service. I have now gone through the votes of Supply, and have shown reductions amounting very nearly to 3,000,000*l.* I have shown, that in the salaries of the high officers of State, exceeding in amount 1,000*l.* a-year, that we have made a reduction of forty per cent; I have shown that in the colonial expenditure we have made an immediate reduction of twenty-three per cent, and a prospective reduction of thirty-nine per cent; I have shown, that in the collection of the public revenue, the expenses have been reduced to the amount of above half a

million. I omitted to state, with respect to the Excise, that a Commission of Inquiry has been named, and is now sitting. Who has been placed at the head of that Commission? The right hon. member for Dundee, whom I presume I may, without irregularity, name in his official capacity. The appointment of Sir Henry Parnell, with his declared opinions, is a proof to the world that the Government is resolved, as well as disposed, to go the whole length in retrenchment that the public interest will permit. Before I proceed further, I must again remind the House, that we have made these reductions on an expenditure —capable of economical review—of 15,000,000*l.*; and that there has been, as I have before stated, a reduction effected to the extent of 3,000,000*l.* I cannot however conclude, in justice to the subject, without fixing the attention of the House upon the fact, that every fraction of these reductions—and, indeed, somewhat more than their whole amount, has been applied to the diminution of the taxation of the people of England. There has been no part of it kept back for the purpose of bolstering up an artificial system of finance or a sham sinking fund; nor, as it appears to me, has it been kept up for any other purpose with which Gentlemen have a right to quarrel. The reduction in the amount of the expenditure may be said, in round numbers, to amount to 3,000,000*l.* The whole of that sum, I repeat, and something more, has been applied to the reduction of the taxation of the country. Here I must be permitted to say, that the hon. member for the city of Dublin, (Mr. Ruthven) and other hon. Gentlemen, in considering these questions, would do well to look to the bright as well as to the dark side of the picture, rather than exclusively to press on public attention, night after night, those parts, only, of every subject which are calculated to excite dissatisfaction and discontent. It is not acting justly towards the public, the Government, or this House, thus to exclude all the more cheering and gratifying considerations, stating, and allowing it to be stated and repeated, without contradiction, that nothing has been done, when, in point of fact, the vast reductions to which I have taken the liberty of adverting have already been achieved. I put it to those Gentlemen who have sat in this House in former Parliaments, if they had been told, when we took office in November 1830, that in the course of two Sessions reductions to the extent of 3,000,000*l.* could have been effected, and that a corresponding amount of taxation could have been reduced, without endangering the public credit, whether they must not have admitted that although such would be "a consummation devoutly to be wished," yet that it was one infinitely exceeding all their hopes and expectations. [Here, Mr. *Hume* entered the House.] I rejoice that my hon. friend is at length come to his place. I have appealed to my hon. friend's authority in his absence; I can assure him that I did so with all due respect; and that my argument has not illustrated the French proverb, that the absent are always considered in the wrong; indeed, it is almost indispensably necessary to appeal to his authority, when a question of economy is brought under consideration. The House knows, that in the absence of my hon. friend, I have given the fullest credit to the exertions he has made. In his absence I paid him the highest possible tribute of approval, by erecting him into an actual standard of value, by which I endeavoured to estimate the value of the public services of my friends. I took my hon. friend's statement in 1821, as the *terminus à quo* from which all my reasonings were to spring. I now repeat my argument, that he may contradict me if I am in error. In a speech, which the hon. Gentleman made in June, 1821, he detailed the various reductions which he thought practicable. Those reductions amounted to 3,238,000*l.*, which would have reduced the expenditure to 18,849,140*l.* The expenditure of the country has now been reduced below the amount which my hon. friend took as the measure of his economy. In his speech, the hon. Gentleman spoke of a reduction in the expenses of collecting the revenue; in those expenses, reductions of more than half a million have been effected. If, then, the hon. member for Middlesex wishes to act justly by his Majesty's Government, and by this House, he will not argue (as some hon. Gentlemen have done), and he must not make statements as if we had forgotten our economical pledges. One observation, I omitted to make, during the absence of my hon. friend. In those days, my hon. friend was member for Montrose. I very much rejoice to see my hon. friend represent the county of Middlesex, although I cannot help thinking, that, when he was the member for Montrose, his arguments were, in some respects, founded on better reasoning and sounder principles of

political economy. My hon. friend then said, that if the reductions for which we contended could be carried into effect, he should recommend—what will the House think?—the repeal of the House and Window-tax, the Stamp on Newspapers, or some of those other taxes of which he now complains? No, Sir; the hon. Gentleman was then a good political economist, and the reductions in taxation which he wished at that time to effect, were reductions in the taxes on soap, candles, leather, and salt. Now, Sir, I say that, on that occasion, my hon. friend contended for the sound principles of taxation, because he recommended a reduction in taxes which were the most expensive in their collection, which operated as restraints on trade, and which pressed most severely upon the poorer classes, and on the productive industry of the country. Now, however, my hon. friend is the advocate of the repeal of those taxes which are the least expensive in collection, and from which the poorer classes of the community are most generally exempt. I certainly do not think that my hon. friend is very much improved in this respect, by the results of his migration from Montrose to Middlesex. If my hon. friend, instead of asking for the repeal of the House and Window-tax, of which he has given notice, should come down and demand the repeal of the remainder of the Soap-tax, or of the duty on glass, such a course would be perfectly consistent with his former opinions. A paper for which I moved a few months ago, showing the amount of taxes repealed within the last nineteen years, has been put, for some time past, in circulation. The abstract is as follows:—

AMOUNT OF TAXES REPEALED, EXPIRED, OR REDUCED, FROM 1814 TO 1832.

	Gross.	Nett.
Customs . . .	£8,990,205	£8,820,526
Excise . . .	14,078,500	12,276,700
Stamps . . .	466,807	461,755
Taxes	18,680,017	18,242,875
Post Office . .	130,000	130,000
	£42,345,529	£39,931,856
Add taxes proposed to be repealed in 1833 . .		1,545,000
Total		£41,476,856
Deduct taxes imposed . .		5,813,118
Actual amount of relief given		£35,663,738

From this paper it appears, that taxation, to no less an amount than 35,663,000*l.*, has been repealed between the year 1814 and the year 1833. This enormous sum being more than double the total income of 1792. An amount which has, I am convinced, astonished the public, and I am confident that scarcely any reflecting man could, in 1814, have ventured to expect the possibility of so great a sacrifice of revenue. Of this sum I proceed to state the amount of reduction made by my noble friend beside me:—

RELIEF FROM TAXATION PROPOSED IN 1831 AND 1832.

Printed Goods - -	£550,000	
Coals and Slates -	900,000	
Candles - -	500,000	
Hemp, Drugs, &c. -	140,000	
	2,090,000	
Deduct impost on Cotton Wool - -	300,000	
Total relief -		£1,790,000

FURTHER RELIEF PROPOSED BY THE CHANCELLOR OF THE EXCHEQUER DURING THE PRESENT SESSION.

Tiles - -	37,000	
Marine Insurance -	100,000	
Advertisements -	75,000	
Assessed Taxes and Farming Stock -	440,000	
Cotton Wool - -	300,000	
Soap - - -	593,000	
		1,545,000
		£3,335,000

It is thus shown, that the following have been the measures of relief introduced by the Chancellor of the Exchequer:—

Printed Cottons, repealed.
Coals and Slates, repealed.
Candles, repealed.
Hemp, reduced.
Drugs, reduced.
Tiles, repealed.
Marine Insurances, reduced.
Advertisement Duty, reduced one-half.
Fire Insurances on Farming Stock, repealed.
Small Receipt Stamps, repealed.
Land Tax on Personal Estates, repealed.
Soap Duty, reduced one-half.
Cotton Wool, reduced.
Duty on Pamphlets, repealed.
House Tax on Shops, reduced one-half.
Duty on Travellers or Riders, repealed.
Tax on Clerks, Book-keepers, Office-men, repealed.
Tax on Overseers, Managers, repealed.
Tax on Shopmen, Warehousemen, Cellarmen, repealed.

Duty on Tax Carts, repealed.
Horse Tax, payable by Market Gardeners, repealed.
House Tax, payable by Licensed Victuallers, reduced one-half.
Tax on Houses of 10*l.* value, reduced one-third.
Tax on Houses from 10*l.* to 18*l.* value, a progressive reduction.

I cannot sit down without adverting to the question respecting sinecures, incidentally raised by this Motion. Every one now agrees, that sinecures are indefensible. Where is, then, the necessity of affirming this self-evident proposition? I ask the hon. Gentleman, who brought forward the Motion, to show me one single existing sinecure, the ultimate abolition of which is not now provided for by Parliament; and I, for one, am perfectly willing to meet such a case with an appropriate remedy. The point of difference between the hon. Gentleman and myself would seem to be this—the honourable Gentleman seems to be of opinion, that we ought at once to proceed to abolish every one of these offices, whether the parties have a vested interest in them, or not. In this I differ from the hon. Gentleman. I tell the hon. Gentleman, that when the possessors of offices have had no such vested interests, the Government have not been reluctant or remiss in abolishing such offices. The hon. Gentleman has referred to the legal sinecures of Scotland. Only one of those offices has fallen in since the formation of the present Government—I allude to the office of Keeper of the Great Seal. What course was then taken by his Majesty's Government? Why, they unhesitatingly abolished the whole salary; they left the office to the Duke of Argyle, as an office of dignity; but the salary which had been paid by the public was immediately abolished. With respect to other sinecures, such as those of Lord Ellenborough, or Lord Kenyon, on a vacancy taking place, I believe that no new appointment could be made, even if the Government were disposed to make it. But it should be remembered, that it was to former Chief Judges, whose salaries had not then been increased, that these sinecure offices were left, to enable them to provide for their descendants. An Act has since passed increasing the Judges' salaries, and abolishing these offices. But would it now be just to give that Act a retrospective operation, and to overthrow those life interests which Parliament had protected and recognised? I apprehend, that the hon. Gentleman will not deny it to be a somewhat important principle of legislation, that the Supreme power of the State should extend towards every man a protection for the property he possesses. What the law has created the law should respect. Let me direct the attention of the House, by way of example, to the offices of the two Chief Justices in Eyre. These, as the House well knows, are two great sinecures which, by Act of Parliament, are now abolished; but, in abolishing the offices, Parliament also provided for the payment of compensation to the parties. Now, if, after abolishing such offices as these, in consideration of a certain compensation, it is maintainable, that Parliament can, in justice, pass another Act to take away that compensation, I really think there is no description of property which might not be sacrificed under such a precedent. If the Crown has been advised to make a grant contrary to law, that grant is void; and if any technicality be required, in order to effect the avoidance, it is right and just in the Advisers of the Crown to recommend the proper measures to be taken. If a grant be made beyond the powers of the donor, it is one thing; but if the party making the grant have full authority to make it, I cannot think it either just or right subsequently to question the Act, however its recurrence may be properly restrained or prevented. Convinced I am, with respect to national retrenchment, that it is much better economy to reserve all such interferences until a case of vacancy occurs; because, in then taking such a course, there is a probability that the opinions of all men will accompany the Act, and lend it their sanction; whereas, by acting on other principles, men are often deterred, by a sense of compassion and private regard, from attaining a great future benefit. I do not believe that there is now in existence one single sinecure which Parliament has not already abolished prospectively. If there be any such, I say, in all sincerity, let us proceed to deal with such offices, and to abolish them at the earliest possible period. Acting on this principle, this House and the country will recollect, that the Government have no selfish interests to counteract or divert us. We have created no sinecures; but I am not quite sure that the hon. Member and I agree in the definition of a sinecure. He spoke of the Lords of the Admiralty, and the Lords of the Treasury, as if they were sinecurists. Now, I can assure the hon. Gentleman, that if he

knew as much as I do of the labour which my hon. friends at the Treasury Board perform, he would feel himself bound to confess that there never was a more preposterous misapplication of terms, than the use he has made of the word "sinecure." If to act at the Treasury Board be a sinecure, all I can say is, that the hon. Member must not quarrel with me, if I call it a sinecure, to go through a contested election for the city of Dublin. If the hon. Gentleman had been a little more behind the curtain, he would have known better. Let me invite the hon. Member, and the hon. member for Middlesex, to pay me a visit at the Treasury, when I shall be very happy to show them, by way of example, the extent of business which my indefatigable friend, the member for Portsmouth, who belongs to our Board, frequently transacts in twenty-four hours. I shall show them, in like manner, the infinite labours of my other friends. Let them tell this House and the public, on their return—(if they can do so with truth)—that "these offices are sinecures." I do not justify the permanent continuance of such sinecures as those of Lord Ellenborough and of Lord Kenyon; but when those offices were granted, I again repeat, the emoluments of the Judges were not what they now are, and those sinecures were permitted to exist for the special purpose to which I have alluded. It is certainly true, that the noble sacrifice which was made by the Marquess Camden might have been imitated in other quarters; but whilst we admire, we have no right to prescribe such sacrifices. I cannot allude to that most patriotic act without endeavouring to express my sense of the unexampled and generous public spirit which dictated it; but it is one thing that a statesman should take the course which virtue and patriotism prescribe, and it is another that the State should interpose forcibly, in order to compel an abandonment of private right. We may quarrel with the man who, with the means of generosity at his disposal, is deaf to the wants of his fellows, and refuses to assist them; but we must not steal his purse in order to endow an hospital. In dealing with this matter, we must consider the rights of the parties; and, as legislators, we must maintain a strict adherence to established, or even to implied, legal rights. In these cases other considerations are involved, and considerations, too, far more important to the public than a mere question of saving a few thousands, and of realizing, at the hazard, if not by the sacrifice of principle, in the sixtieth or seventieth year of an old man's life, what may be justly and safely effected on his decease. If the hon. Gentleman will modify the wording of his Motion so as not to surrender his opinion, or to call upon me to surrender mine, there can be no objection to affirm his resolution; but, in the judgment of some, there might be a considerable objection to affirming a resolution which, without necessarily deciding, would seem to decide this long-debated point. I have to thank the House most sincerely, for the patience with which I have been heard; and to apologize for having detained Members on a subject so dry, and in its details so uninteresting. These are, however, details with which I am necessarily conversant; and thinking the acts alluded to creditable to the Government, I am happy to have seized an opportunity of making this statement. I am entitled to do so without exposing myself to any charge of vanity, because no credit can be personally due to me for these reductions. I have only carried into effect the instructions of those under whom I serve; and I have, therefore, a right, as an individual Member of Parliament, at once to justify my adherence to the present Government, and to refute the charges made by the hon. Gentleman, imputing to us a betrayal of our trust, and a violation of our pledges. I ask the House with confidence, whether I have not proved that our promises have been performed, and that in power, as out of power, we have steadily clung to our principles on all the great questions of economy and retrenchment?

Mr. *Henry Lytton Bulwer* said, that though he did not think they acted rightly, who were always making attacks on the Government, and denying that they did anything, yet it must be admitted, that a watchful Opposition not confining, themselves strictly to recommendations which were easily and immediately practicable, but occasionally going a little beyond that line, and urging the Ministers forward to do something more, were of great advantage both to the country and the Ministers, the latter of whom frequently were glad to have forced on them an excuse for doing what the people required. He admitted that the Government had reduced 40,000*l.* a-year out of 140,000*l.* a-year, in our diplomatic service. Less expense was now necessary in that department than formerly; for then, when Ministers were sent to kings alone, it might be a wise policy to give

them the means of expending large sums, and living in the style of those around them; but now that kings were not all-in-all, and were themselves responsible to Representative Assemblies; and now when business was the chief object of the mission the necessity of a large expenditure was considerably diminished. For example, Lord Burghersh, who had been Ambassador at Florence, with a salary of 5,000*l.* a-year was recalled, and his place was supplied by a *Chargé d' Affaires,* whose salary was 2,000*l.* That was an improvement as to the revenue, and no doubt the business at Florence was as well done as when it cost 5,000*l.* a-year. The Government had certainly done something in the way of reduction; but they might advantageously carry it much further. He wished his hon. friend would withdraw the Motion, which was too general and comprehensive in its nature, and would introduce to the notice of the House some individual case, to which no vague and general answer could be given. He knew that this was the case as to most matters of finance; for he had once undertaken to bring forward a question on that subject, but was warned by the hon. member for Middlesex, that it would occupy him some months to examine the documents necessary to render his statements intelligible.

Sir *Samuel Whalley* could not but remember that the present Ministers had come into office upon the distinct pledge of economy, and yet now in the eighteenth year of peace, the expenditure still continued most enormous. He admited, that the Ministers had made some retrenchment; but not enough to satisfy the reasonable wishes of the people. They had come into office opposed to the known wishes of a majority in another place, and had been placed by the people in a prouder situation than any of their predecessors, upon their pledging themselves to economy. Yet he could not congratulate them on their having satisfied the hopes of the people in the reductions they had effected. Perhaps, in answer to this, the noble Lord would appeal to the reduction of the duty on soap, and to the repeal of a few other comparatively trifling duties; but the people would not be satisfied till they got rid of that direct taxation which so much oppressed them. Their wishes on that subject were known to the noble Lord before he came into office, and he must be considered to have taken office with the intention of gratifying those wishes. He certainly could not give his humble support to the Government till the wishes of his constituents in this respect were satisfied. The metropolis suffered most from these direct taxes, and the inhabitants had a right to complain. Nothing made the present Ministers so popular when they were out of office, as their opinions upon the Pension List. But how had the expectations which those opinions raised been fulfilled? He was glad that the Ministers did not mean to oppose the placing of this Resolution on the Minutes of the House, and he should therefore hope that the hon. Member would not withdraw it, but would put it on the records of that House, as a proof that that House did bear in mind the necessity of economy, and was desirous of gratifying the wishes of the people.

Sir *Harry Verney* could not let the observations of the hon. member for Coventry pass without some remark. That hon. Member seemed to suppose, that the expenses of the diplomatic establishment of this country might be considerably lessened. Now, he must say, that consuls under the present system were less efficient in maintaining the interests of British merchants than they had been under the former system. In his opinion they should be persons with a respectable salary, and not merchants actually engaged in trade. He recommended the Government to observe the condition of South America most attentively, particularly the extensive dominions of Paraguay, which would present a wide field to British industry and enterprise. He hoped that the Government would establish a good consulship at Monte Video, by the castle of which all ships must pass to make their way to those parts of South America, where, he believed, a most extensive commerce would be called into existence, when the Chinese system of exclusion maintained by Dr. Francia was at an end. In the same manner he advised the Government to watch the trade on the western coast of South America, as he believed it would materially affect our trade with China. It would be the more necessary to do this when we threw open, as we were about to do, the trade of China. The Americans had already directed their attention to these matters, and the Sandwich Islands had recently been made a sort of dépôt by them for their China trade, and their trade with South America.

Mr. *Hume* had never stated, that the present Ministry had made no reductions in the expenditure. On the contrary, he

knew, and had always said, that considerable reductions had been made, but that these reductions had not been commensurate with the wants of the country, or the wishes of the people. With respect to what the hon. member for Coventry had said about the difficulty of making up the proofs of a financial statement, he wished to observe that since he had given the hon. Member that warning, things had considerably changed. He was happy to say, that a considerable simplification in the statement of public accounts had taken place since 1821. A Committee of Public Accounts had been appointed by Lord Bexley, in consequence of his recommendation; and now any one might make himself acquainted with the Finance Accounts without any such labour as formerly. Indeed, there would be now no difficulty in the matter, save and except so far as related to the sums stopped in their course to the Exchequer. The Civil List Accounts had also been simplified by his right hon. friend, but much yet remained to be done, and he trusted that all the accounts would be still further simplified, as they might be with little trouble, in the course of next year. He was sorry, however, to be obliged to tell his hon. friend that, after all the reductions which had been effected by the Government, they had only just left the expenditure at the level at which he found it when he took up this subject in 1821. The expenditure of 1833 was within a very small fraction as large as the expenditure of 1820. The reduction in the amount of it arose entirely from the diminished charge of the national debt since that time. He would prove that point beyond all contradiction. He must begin by reminding his right hon. friend of what he (Mr. Hume) had stated in 1821. He had said that in the year 1792 our whole expenditure amounted to 15,000,000*l.* Of this sum 9,000,000*l.* was devoted to defraying the charge of the national debt, and the other 5,000,000*l.*, or rather more, say 5,500,000*l.* was distributed over the military, naval, civil, and diplomatic services of the country. He had then put it to the House that in the year 1819 the expense of those services had risen from 5,500,000*l.* to 22,000,000*l.*, and that the expense of the debt had risen from 9,000,000*l.* to 30,250,000*l.* In the year 1821 the expenditure was 53,000,000*l.*; now it was 50,000,000*l.* Of this sum 28,000,000*l.* and upwards went to pay the interest of the debt, so that the difference in the amount of the charge of the debt in 1819, and in 1823, was in round numbers, 2,900,000*l.* Now this was, within a very small fraction, the sum of the difference between the amount of the expenditure in 1819 and in 1833. He, therefore, contended that he had a right to say, that the difference in the expenditure of the two years arose from the diminished charge of the national debt, effected as everybody knew, by the reduction of the 4*l.* and the 5*l.* per cent to stock bearing a lower rate of interest. The saving on the establishments of the year 1820 was now, in the year 1833, not more than 100,000*l.* He admitted that in that interim the expenses of our establishments had much increased, and that the late Government had done much, and that the present Government had done more, to reduce our expenditure to the level of 1820. One great advantage had been derived to the country from the accession of the present Ministers to office, and that was, that they had reduced the charges on the Civil List, and had brought all the expenses of the State, save about half a million, under the control of Parliament. There was no department into which the House could not at present inquire, nor had any accounts for which he had moved yet been refused to his Motion. Happen what would, the House was now placed in a situation in which, with a little trouble, it could have the amplest statement of the national finances that man could wish. In 1821 he had proposed to make a reduction in the expenditure to the amount of 4,280,000*l.*; and he had then gone through every branch of the public service, showing, item by item, how that reduction could be made in the then existing establishments. That was not, however, all the reduction which he at that time contemplated; it was only the first instalment which he demanded on behalf of the public. He showed to the House that by a reduction of the duties on candles, leather, salt, and soap, all which duties had since been repealed, a reduction might be made to the great relief of the consumers of those articles, and to the amount of 3,000,000*l.*, in the sums paid into the Exchequer by the people. He had, after the reduction, still 1,000,000*l.* remaining for the relief of the people. His hon. friend seemed to suppose that, as he then called upon the Government to repeal the duties on exciseable articles, he was changing his ground in now calling upon them to repeal the House and Window-tax; but he denied

that there was any inconsistency in his mode of proceeding, as he called upon the House to repeal the House and Window-tax (as he called upon it in 1820 to repeal the other taxes), because it was an unfair, a partial, and an expensive tax. Looking at the change in the currency, which was just then coming into operation, he had advised the House, in 1820, if it could not return to the establishments of 1792, at least to assimilate their condition to that in which they were at that time. He recollected well that when Mr. Pitt and Lord Sidmouth proposed to increase the salaries of different public officers, the reason assigned was, that money was so depreciated in value, and prices had risen so excessively that they could not live upon the amount of their incomes. His argument ever since 1820 had been, that as we had now returned to cash payments, and restored money to its former value, so we ought also to reduce the salaries of public servants to their former amount. It might be an unpleasant necessity to come to such a determination; but as necessity had no law, so also had it no limit. He admitted, that there had been a change in the mode of taxation since 1820, but he was sorry to say there had been no change in its amount, no relief given to the people by a reduction of the sum which it extorted from their pockets. Besides, if the change in the currency were taken into the account, the taxation of the country was now one third heavier than it was in 1820. For instance, if the taxes were to be paid in corn, it would take one third more quarters to pay them now, than it would have taken in 1820. The point which he wished to bring the House to was this—that though Government had made great reductions, and though several of their changes in taxation had been very beneficial, the same amount as before was taken out of the pockets of the people. Now, he should wish to see the excise taken off all excisable articles; he should also wish to see the duties removed from all raw materials, as such duties were positive impediments to industry; he should wish to see all monopolies extinguished, and particularly the Corn monopoly, because he was convinced that if those beneficial changes were made, the country could bear its burthens with comparatively little trouble. He thought, that where a Government had made a profligate grant, and where it had allowed a man money for which he had performed no service, the same distinction ought to be drawn by Parliament, which, in a similar case, would be drawn by individuals in private life. Parliament ought, he contended, to look at every pension, and to stop the issue of every farthing of public money which was not merited by public service. If it would only adopt that rule, the taxes would not produce misery to the extent to which they did produce it, and which exceeded the credibility of many Gentlemen who then heard him. The doctrine which had been laid down that evening by his hon. friend would not stand the test of examination. He maintained against his hon. friend, that all sinecures ought to be swept away. He held, likewise, that the present Parliament had a right to abolish the pensions which were granted under the authority of a former Parliament. Ought he, or ought any Member of Parliament, to be called upon to destroy the comforts of the widow and the fatherless, and to sell up their bedding, seized for non-payment of Assessed-taxes, when the proceeds of those taxes, and he might say, of those sales, went to pay the pensions and sinecures of the rich and affluent? He protested against any such doctrine, as not less monstrous for its absurdity than for its injustice. The time was fast advancing, and even now was arrived, when an inquiry into the circumstances under which every pension and every sinecure was granted, must take place. He should not be acting the part of a good steward to the public if he allowed any inducement to prevent him from instituting such an inquiry. He cared not for the rank of the parties; the higher they were the more strict should be the investigation; the more means they had at command, the less regard should be paid to their complaints and remonstrances. He recollected well that on a former occasion, when this subject was before Parliament, the noble Lord opposite had said, "I admit that the parties have no legal claims to these pensions, but I ask the House to grant them on the score of charity." To that assertion he had replied, that "our charity should begin at home, and that we should consider how many of our poorer countrymen were without a home, in order to pamper the pride and swell the pensions of the junior members of the aristocracy." To these sentiments he still adhered, and he would again repeat, that all pensions and sinecures ought to be swept away unless the holders could show that they had deserved them by public services. He thought, that the House had much to answer for, in allowing this

Session to go by without fully investigating this subject. He trusted that in the next Session it would show more respect to the rights of the people, and that it would not be induced, either by a feeling of false delicacy or by a deference to individuals of high rank, to sanction grants which had been improperly made by former Parliaments.

Lord *Althorp* expressed his surprise at the observation of his hon. friend the member for Middlesex, that no reduction had been made in the expenditure of the country save what had been effected by the reduction of the charges upon the National Debt. It was not easy to follow his hon. friend through a statement of figures, but he thought that if his hon. friend would only compare the same things in 1820, with the same things in 1833, he would find that reduction had been effected to the amount named by his right hon. friend (Mr. Spring Rice). His hon. friend, the member for Middlesex, had taken 53,000,000*l.* as the amount of our expenditure in 1820, and 50,000,000*l.* as the amount of our expenditure at present. Now, as he had not the papers of his hon. friend before him, he could not pretend to say on what data the statements were founded; but he could not help thinking that in the former year he had taken the amount of our expenditure exclusive of the cost of collecting the revenue, and that, in the latter year, he had taken the amount of our expenditure including the same cost. He would state the amount of the expenditure of our establishments in 1820, and also in the present year; and, comparing the two, it would appear that, in 1820, they cost 22,087,000*l.*, and in the present year 18,050,000*l.*; so that the difference beween these two sums was the amount of reduction effected in the interim. If he went to the votes of supply, he got the same simple mode of comparison. In 1820, the votes of supply amounted to 19,600,773*l.*; in 1821, 18,358,651*l*; and, in 1833, to 14,623,219*l.* Deduct this latter sum from the amount of the votes of supply in the years 1820, and 1821, and they would get the amount of reduction stated by his right hon. friend. His hon. friend, the member for Middlesex, had that evening used an argument respecting the reduction of taxation which he had heard his hon. friend use before on similar occasions. His hon. friend had said, that if, when taxes were taken off, the revenue, notwithstanding, sprung up to its former amount, the pressure on the people was not removed, inasmuch as they still paid, though in another way, the same amount of taxation. Now, a greater fallacy than this could not well be imagined, for his hon. friend could not but be aware, that when certain taxes were taken off, the relief which the people received from that remission of taxation enabled them to consume a greater quantity of other taxed articles. His hon. friend, therefore, was quite mistaken in contending that the amount of taxes taken off was no relief to the people, for the direct relief was not the less, because the revenue derived from other taxed articles had become greater. His hon. friend had given credit to the Government for not making any objection to the production of returns relative to the expenditure of the country. Certainly he should be most happy to grant his hon. friend any returns to establish, or to elucidate the case which he had stated to the House, if there were any such returns, as soon as his hon. friend moved for them. His hon. friend, to a certain extent, had misrepresented, though no doubt unintentionally, what he had formerly said on the subject of pensions. His hon. friend seemed to consider that he said, that all pensions were to be considered as charity. What he said was, that, in some instances, the continuance of the pension might be regarded as a matter of charity. The present Government, however, was undoubtedly, disinterested as far as regarded pensions and sinecures. These pensions were not held by friends of the Government—they were not given at the request of the friends of the Government—they were not, in one word, given by the Government. On the contrary, they were, he believed, with scarcely an exception, held by persons who, in politics, were opposed to the Government. Though he concurred in the doctrine that no pensions ought to be granted improperly, and that no sinecures ought, on any account, to be permitted in future; he was, nevertheless, unprepared to state, that where persons have had grants made to them by authorities which, at the time were competent, and upon which they relied for subsistence, it was justifiable to come forward and revoke the grants, and take away the pensions for the future. This was the doctrine which he had always held out of office, and to that doctrine he still adhered.

Mr. *Baring* said, that, when at that side of the House, he was in the habit of voting with the noble Lords and right hon. Gentlemen, who at present composed his

Majesty's Government. They then reprobated principles for which they now stood up, or at least which they now confessedly practised. If any government wished to shroud their operations from the view of the public, they could not adopt any more effectual mode than that which the present Government had adopted in reference to the estimates of the present year; in fact, if they desired to take the House by surprise, they could not have taken a method better calculated to produce that effect, than, instead of laying the estimates before the House in the month of April thus to bring them forward at a period of the year when the attendance in that House must necessarily be thin, or amount to almost no attendance. There could, in his opinion, be no justification for such a practice. There certainly had been no parliamentary reason assigned for putting off the estimates to the present period of the year. The hon. member for Middlesex had said, that an improvident bargain was not binding upon Parliament. How could they expect that any faith could be reposed in public men, if contracts were thus to be disregarded? He for one would never be a party to any arrangement which even approached a breach of faith; but if any case could be shown him—of any fresh case, the arrangement for which was not concluded, he should be as ready as any man to put a stop to any extravagant expenditure. If the hon. member for Middlesex would show a single instance of a public functionary overpaid, or a pension granted for no services, he would agree at once to the abolition of such unmerited payments. The hon. Member must remember a Committee of that House, of which he (Mr. Baring) had the honour of being Chairman, which set very seriously about the work of reduction: they recommended the reduction of all the officers of State, and he believed that the hon. member for Middlesex agreed in every one of the reductions excepting that made in the salary of the Lord Chancellor. After the most careful attention which he could bestow upon the subject, he did not hesitate to declare it as his opinion, that the officers of the Government were not overpaid; that the remuneration they received was fixed at as low a rate as it could be fixed in a great country like this with any safety; for it was not to be doubted that peculation had always ensued upon insufficient payment. Once more he begged to declare, that he should be at all times ready to vote for any measure of economy that was consistent with the safety and efficiency of the public service, whether such vote should or should not have the effect of bringing us back to the scale of 1792, or any other period; but as to any general declarations, such as the present Resolution, he must say, that he thought them not only waste of time, but open to much more serious objections.

Mr. *Robinson* said, that the opinion of the House must be unanimous so far as the first part of the Resolution went, and it could only be as respected the latter that anything like an adverse discussion could arise. It was his opinion, that a most satisfactory case had been made out to show that the present Government had redeemed all the pledges they had given on the subject of economy. It was also his opinion, that the subject of sinecures ought to be separated from any abstract Resolution of the kind which had that night been submitted to the House, and he expressed that opinion with the less hesitation, feeling, as he did, that sinecures ought to be abolished. Much had been said at both sides respecting the improvident bargains made by Government; on that he had only to observe, that those arrangements and contracts had been ratified by Parliament. On the whole, he should be disposed to give his general support to Ministers in their economical arrangements, at least so far as they had gone; and this he did the more readily when he remembered the circumstance of the present Administration being the immediate successors of a Government which had done so much in the way of economy and retrenchment. Upon these grounds he joined in the request to the hon. member for Dublin to leave out that part of the Resolution which related to sinecures, in order that the House might come to a unanimous vote upon the question.

Sir *George Phillips* thanked the hon. mover for the opportunity he had given to his right hon. friend (Mr. Spring Rice) to make that exposition of the views and conduct of Government on the subject of reductions. Day after day, and week after week, they had been listening to attacks made upon the Government for not making this or that reduction, and Ministers were made the subject of the most violent attacks, as if they had done nothing in the way of reduction, and had taken off no tax whatever; it was, therefore, satisfactory that an opportunity had been afforded for undeceiving the public.

Sir *Robert Peel* objected to the Resolu-

tion for no other reason than because it was so obvious that all persons must fully acquiesce in it. He thought it a bad precedent for individual Members to get up in that House, and move merely abstract propositions, upon which there could be no difference of opinion. Such modes of dealing with public affairs appeared to him calculated to weaken the obligations of duty amongst the Members of that House. What advance was made by such a proceeding? What did they gain by it? They could not, by adopting any such Resolution, hope to get rid of the details of economy, and as nothing practical could be effected by the Motion, he should certainly vote against it, at the same time readily admitting that the days had gone by when public servants could be rewarded by sinecures; and as soon as existing interests expired, he should be perfectly ready to agree to the abolition of all sinecures, for Parliament had enabled the Crown to make superannuation allowances, and upon the faith of the Act which gave that power, the Crown had lent its aid towards the abolition of all sinecures.

Mr. *O'Dwyer* said, that the right hon. Baronet objected to the Resolution because it was a truism, which he could not deny; then, if he negatived the proposition, he must contradict himself. [Sir *Robert Peel:* No, no!] The right hon. Gentleman declared that he would not vote for the Resolution, he would, therefore, vote against what he stated to be an obvious truth. The arrangements which some Gentlemen defended, and others contended ought to be put an end to, were adopted, it should be remembered, before the people were fully represented in that House. He should mention but one instance of unmerited sinecures, though many might be found. There was a noble Lord who drew from a sinecure in Ireland 1,700*l.* a-year, without ever signing his name.

Mr. *George Frederick Young* thought that no hon. Member, in the course of his Parliamentary career, had ever witnessed an exhibition more absurd than that which took place that evening. The House had been occupied for upwards of four hours in discussing a question, which even the hon. Member himself who brought it forward, acknowledged to be a truism—a question, upon which no one out of doors entertained the slightest doubt. When such was the case, it was too bad to waste so much time, particularly when so many important Orders stood upon the paper. The late period of the Session should be taken into consideration, and it should be recollected that many complaints were made that the public business was not advanced. On the present question he did not intend to vote at all, and he was sure that his constituents would not blame that intention. He begged, however, to assure the House, that he refrained from voting, out of no disrespect towards it.

The House divided; Ayes 88; Noes 79: Majority 9.

List of the AYES.

ENGLAND.
Aglionby, H. A.
Attwood, T.
Bainbridge, E. T.
Bewes, T.
Bish, T.
Brocklehurst, J.
Brodie, Captain
Buckingham, J. S.
Chaytor, Sir W.
Collier, L.
Curteis, H. B.
Curteis, Captain
Dashwood, G. H.
Edwards, J.
Etwall, R.
Ewart, W.
Faithfull, G.
Fellowes, Hon. N.
Fellowes, H.
Fenton, Captain
Fielden, J.
Fryer, R.
Gully, J.
Halse, J.
Handley, H.
Handley, B.
Hardy, J.
Harvey, D. W.
Hawes, B.
Hodges, T. L.
Hughes, H.
Hume, J.
Humphery, J.
Hyett, W. H.
James, W.
Langton, Colonel G.
Lester, B. L.
Lester, C.
Methuen, P.
Parker, J.
Parrott, J.
Potter, R.
Rickford, W.
Rider, T.
Robinson, G. R.
Romilly, J.
Romilly, E.
Scholefield, J.
Scrope, P.
Staveley, J. H.
Strutt, E.
Tancred, H. W.
Tayleure, W.
Thicknesse, R.
Todd, R.
Trelawney, W. L. S.
Tynte, C. K. J.
Ward, H. G.
Warburton, H.
Whalley, Sir S.
Wigney, J. N.
Williams, Colonel
SCOTLAND.
Colquhoun, J. C.
Dunlop, Captain
Ewing, J.
Fleming, Hon. A.
Gillon, W. D.
Hay, Colonel L.
Oswald, R.
Sharpe, General
Wallace, R.
IRELAND.
Baldwin, Dr.
Barron, W.
Barry, G. S.
Bellew, R. M.
Blake, M. J.
Fitzgerald, T.
Lynch, A. H.
Martin, J.
O'Connell, D.
O'Connell, J.
O'Dwyer, A. C.
Roche, W.
Roe, J.
Ruthven, E.
Sullivan, R.
Vigors, N. A.
Walker, C. A.
PAIRED OFF.
Bulwer, H. L.
TELLERS.
Finn, W.
Ruthven, E. S.

CHURCH OF SCOTLAND.] Mr. *Sinclair* said, that in pursuance of his notice, he

now moved for leave to bring in a Bill for emancipating the Church of Scotland from the thraldom of patronage which had so long deformed its beauty, impaired its usefulness, and grieved the hearts and consciences of its most attached and zealous friends. The length of his observations should be proportioned to the magnitude of the question to which they referred. At so late an hour of the night—at so advanced a period of the Session—and after such a series of complicated and multifarious discussions—he felt that any lengthened discussion of a new subject could not lead to any practical result. But he thought it necessary to introduce the question—first, that he might account to the people of Scotland for the delay which had intervened between the announcement and the introduction of this Motion. His hon. friend, the member for Montrose had given notice of his intention to bring this subject before the House on the very first day of the Session; but having learnt that another individual had been devoting much attention to the cause, the hon. Member with the greatest courtesy and kindness, not only consented, but requested that he would bring it before the House. It had been deemed expedient by the Scotch Members to postpone the discussion until after the meeting of the General Assembly, for the purpose of enabling his Majesty's Ministers to mature their views upon a subject so deeply interesting to the people of Scotland. That object had now been attained, and he must confess that he contemplated the decisions of that venerable body with feelings of regret and disappointment. He hoped, indeed, that the passing of the Burgh Reform Bill, as well as the general manifestation of public feeling, might materially influence the returns to future General Assemblies, and the consequent tenor of their proceedings. But they seemed at present to be actuated by an error, which had often been fatal to ecclesiastical and civil rulers—that of deferring concessions until they came too late—until they were tendered with no grace, and received with no gratitude, because they were extorted from their fears, and not volunteered by their good will. Nor was it less dangerous to imagine, that the *quantum* of sacrifice, which would content the people at one time, would, under altered circumstances, prove equally satisfactory. Some arrangements as to the call might, some years ago, have been hailed with thankfulness; but such were the tone and temper of the times, that he thought the people would never be satisfied, until patronage was consigned to schedule A; indemnifying, as in the case of the heritable jurisdictions, those who had acquired this right by purchase or hereditary descent. He should not enter largely into the anomalies which patronage presented; but his own opinion was, that the privilege of choosing a pastor partook largely of a spiritual character, and should be connected with Church Members' rights. He should move for the repeal of the Act of Anne, that he might remove an impediment which stood in the way of the General Assembly; and by proposing that the repeal should take effect two years after the passing of the Bill, which he wished to introduce, full time would be given to the General Assembly, in concurrence with all the true friends of the Church, to adopt, if needful, with the aid of the Legislature, such arrangements for conferring the right of suffrage on the Church members in the various parishes, as would gratify the feelings of the people, induce and enable Dissenters to return to the communion of the Church, and promote the prosperity and the permanence of the establishment. At present, a religious congregation was, in a great measure, at the mercy of a patron, who might be an infidel, or an enemy to the peculiar doctrines of our standards; and unless we did away the law of patronage—the original ground of dissent—introduced by an obnoxious Administration, and protested against for seventy years by the successive General Assemblies, the Voluntary Church principles would become more and more predominant, and the safety of that establishment endangered, on which the national happiness and morality of Scotland so materially depended. He apologised once more for having, at that late hour, and when labouring under severe illness, so inadequately pleaded the cause of the Christian people of his native land.

Mr. *Horatio Ross* said, that he could not refrain from saying a few words in seconding the Motion of his hon. friend, the member for Caithness, though he seldom took any part in the Debates of that House. He thanked the hon. Member for the very kind and handsome terms in which he had been pleased to allude to himself, and to assure him that he heartily

rejoiced that the management of this most important question had fallen into his hands. He was sure no one had paid more attention to it, or would more zealously struggle to regain the rights of which the people of Scotland had been most unjustly deprived. He should not detain the House by entering into details, as his hon. friend had stated his case clearly, and the views and opinions of the hon. Member were so much in unison with his own. He might, however, be permitted to say, that his chief ground for supporting the Motion was, because he considered that the Members of the Church of Scotland had, by the original constitution of that Church, a direct voice and control in the election of their Ministers; of this they had been unjustly deprived by the Act of Anne, which his hon. friend now proposed to repeal. He was aware, that it would be urged the present system had worked well, and that the clergymen selected by the patrons had been in every way deserving of the confidence and esteem of their parishioners. He did not, however, allow that the system had worked well, although, as a body, no men could have discharged their duties with greater zeal and assiduity than the clergy of the Church of Scotland; but if, notwithstanding the able and zealous manner in which the duties of the Church had been performed, thousands who did not differ from it in the slightest degree in doctrine had seceded from it and become its bitterest enemies, and that secession was still going on, he thought he was justified in saying, that the present system had not worked well; and in stating, that thousands had seceded on account of the present state of the law of patronage, he was by no means exaggerating the case; the number of seceders had increased to a most alarming extent; they had united with the Dissenters in forming a voluntary Church Association, the avowed object of which was to crush the Established Church altogether, and although he trusted the day was far distant when there was any chance of their machinations proving successful, yet they ought not to shut their eyes to the march of opinion upon this or any other subject. He was the last man who would yield to mere popular clamour; but he would not stubbornly shut his ears to the call of the people for a restitution of their old privileges, particularly when he considered their demands were founded strictly in justice, and that the denial of them would endanger the very existence of our most sacred institutions. No man was more warmly attached than he was to the Established Church of Scotland, or would more zealously defend all its just privileges, but in supporting the Motion of his hon. friend, in his endeavour to alter the law of patronage, he felt convinced he was steering that course which, so far from weakening, would add to the strength and permanency of that Church. There was little doubt that those who had seceded from the Established Church, not on account of any difference with its doctrines, but because they considered the system of patronage at present in force contrary to the original and pure constitution of the Church, would return to its bosom and cease to be members of a voluntary Church Association, or the allies of Dissenters anxiously and zealously labouring to overthrow it. He was quite aware that objections would be taken to the proposition to place the power of election in the hands of the people—that we should run the risk of causing dissensions in parishes—that upon a vacancy occurring, the parish would be canvassed—and that in the event of defeat, which would happen in most cases, the defeated party would secede from the Church, and probably build a church for the defeated candidate. He was ready to admit, that occasions might occur when this would be the case; but in legislating upon this subject, we ought to consider whether greater advantage might not be gained by yielding to the almost unanimous wishes of the people of Scotland than by resisting them. He could assure the House that nineteen out of every twenty of the people of Scotland were most anxious for the restoration of their old rights, and there was no measure of Reform which would give greater satisfaction to them than that proposed by his hon. friend. Already upwards of 150 petitions had been laid upon the Table of the House praying for an alteration of the law of patronage, and he was sure, that as soon as it was known that the question was fairly mooted in that House every parish in Scotland would petition. He therefore trusted, that his Majesty's Ministers would coincide with his hon. friend and give him their support. If, however, unfortunately they resisted his Motion, and succeeded in defeating it, he was sure his hon. friend would again bring it forward at an early

period of the next Session, and that ultimately he must be successful. At all times the question should have his cordial support, both upon the grounds of justice and expediency, and because he was satisfied he could confer no greater benefit on the Established Church of Scotland.

The *Lord Advocate* agreed with the hon. member for Caithness, both as to the importance of the subject, and the great interest taken in it by the people of Scotland. He hoped, however, that any abuses, and he did not deny that there were abuses, might be satisfactorily arranged; and he submitted to the hon. Member, that it was not expedient to bring forward a Motion of such importance at that late period of the Session, when it was impossible that it could lead to any beneficial or practical result. There was another and important reason why the present Motion should not be passed. It was highly probable that the General Assembly of the Church of Scotland would of itself come to a satisfactory resolution on the subject. At the last meeting of the General Assembly in May, a Motion which had been brought forward by Doctor Chalmers, for a Resolution to give the inhabitants of parishes the right of negativing the presentation of Clergymen appointed by the patrons to the charge of parishes, was negatived by a majority of twelve only out of an assembly consisting of upwards of 300 Members. It was probable, therefore, from the smallness of the majority, that at the next meeting of the Assembly, a Resolution in favour of some change would be entered into, and he submitted that it would be inexpedient to attempt to legislate upon the subject in the meantime. He doubted, too, if the Repeal of the Act, which was the subject of the hon. Member's Motion, would of itself have the effect expected from it by the hon. Member. By repealing the Act of Anne, the Act of William, passed in 1690, would be revived, which would give still less satisfaction to the people of Scotland. He therefore recommended to the hon. Member to withdraw his Motion, and to abide by another decision of the General Assembly, by which all the regulations touching the Church of Scotland since the time of John Knox had been framed. After such a decision was come to, the real grievance complained of would be known, and the House would have an opportunity of legislating on a sure and safe foundation. In the meantime he deprecated all premature discussion upon a matter of such great importance. The right hon. Gentleman concluded by requesting the hon. Gentleman to postpone his Motion for more mature deliberation.

Sir *Robert Peel* would not presume to say a word upon the subject, had he not had the honour for some years, of advising the Crown in its disposal of its patronage in the Church of Scotland. He agreed in the postponement recommended by the learned Lord opposite; but he differed from the learned Lord in supposing that any thing but a calm would be produced in the Church of Scotland, by devolving upon the people of each parish the right of electing their own pastor. Nor did he think that the characters of the Ministers of the Church would be raised by the change. Feuds and discords would arise which now were unheard, and which must prevail, but for the corrective of patronage. He did not contest the point for the sake of the patronage; for whilst he had the honour of advising the Crown with respect to its disposal, it never once occurred that a benefice was disposed of from any political views. If he had any reason to suppose that the majority of the respectable inhabitants of a parish were agreed in the choice of a Minister, he advised the Crown to appoint that Minister; but if he found canvassing going on, and all the artifices of election had recourse to, in favour of different candidates, he advised the Crown to listen to neither party, but to exercise its right, and make some appointment above all exception. This was not done by taking the nominee of this, or of that person, but by consulting some of the most eminent men in the Scottish Church, and taking from obscurity, perhaps, some person of merit, whose deserts deserved to be thus rewarded. If there were abuses in the patronage exercised by the Crown, or by individuals, he saw no reason why such abuses should not be corrected by the General Assembly of the Kirk, if it had the means of correcting them. All opposed the principle of devolving the right of election on the inhabitants of a parish. The dissent pointed out did not, he believed, arise from abuses in the disposal of patronage but from other causes. The question, however, was surrounded with difficulties which had not even been hinted

at. Who were to be the electors? And in answering this question, it must be remembered that the object was to ensure harmony in the parish. Were the heritors to exercise this right? That would exclude a great portion of the religious part of the parish. Were the communicants to be the electors? Could it be contended that they were all qualified to join in the choice of a Minister? But wherever the right of election was fixed, dissatisfaction would be excited. As there were many persons in Scotland, unprovided with benefices, there would be no lack of candidates for a vacancy. A sort of public trial would take place between them, which would offer a most imperfect means of judging of their merits—a radical defect—since a mistake was irremediable, for the party was elected for life. No doubt the patron might possibly make a bad choice; but he believed that the operation of public opinion would act more strongly upon him than upon individual electors, and make him the fit depository of this power. The election arts which might not be objectionable in contests for civil offices, would certainly tend to lower the respect for religion, when used in a contest for a religious office. Besides, if an election were carried only by a small majority, it was clear that a very large part of the parish would be irritated against their pastor, who would, of course, have as little influence over them, as over the majority, under whose influence he had been elected. One of the bad effects, therefore, of popular election would be, its tendency to diminish the independence of the Minister. He trusted the House, therefore, would not rashly affirm the principle now proposed, but would be ready to apply itself to the removal of any real abuses in the Church of Scotland.

Mr. *Colquhoun* supported the Motion for leave to bring in the Bill, the object of which simply was to repeal an Act passed during the servile and disgraceful administration of Harley and St. John, in concealment and secrecy, and in direct violation of the constitution of the Church of Scotland. He hoped the first Session of the reformed House of Commons would not be allowed to terminate without repealing this Act, passed unconstitutionally by a most profligate and servile administration. The Motion was one in which the people of Scotland were deeply interested, and he hoped it would not be withdrawn on no stronger grounds, than that the Session was advanced, and the people were late in their application.

Mr. *Gillon* said, that the feelings of the people of Scotland upon this important subject were, that the constitution of the present system of church patronage in Scotland was corrupt, unjust, and impolitic, as regarded the interests of that Church itself; and he was convinced, that this sentiment and opinion would daily gain ground to a degree that it would be impossible to resist the demand for a remedy. He should therefore most cordially support the Motion of his hon. friend.

Mr. *Andrew Johnston* said, that the yoke of patronage had long galled the neck of the Scottish Church, and had carried away from its protection many valuable friends. Under the existing system men had been lifted into the sacred pulpits in the Scottish Church by the assistance of an armed force, against the wishes and the hearts of the best lovers of the religion of their country. It was the abuse of the system now existing which alone induced his hon. friend to bring forward his Motion for the introduction of a Bill to remedy those abuses and to solicit its adoption by the Legislature of the country. From experience he was convinced, that it would be more beneficial to the advancement of religion to place the patronage of the Church of Scotland in the hands of the General Assembly, than to leave it as at present, in the hands of any Government. He denied the statement which had been advanced, that the Church patronage of Scotland stood on the same footing as that of England, for since the Reformation no pastor could be set over any congregation in Scotland against their consent, without a direct violation of the constitution of the Church of that country. By the proposed Bill it was sought to remedy such a violation, and was sought, he must insist, in justice to the people. In asking its adoption he was not advocating popular rights, but merely a measure for the welfare and well-being of the Church itself.

Mr. *Abercromby* had the greatest deference for the feelings and wishes of his countrymen, especially on so serious and important a question, but he confessed he could not consent to carry that deference so far as to induce him to concur in the measure sought to be introduced. He was happy to bear, in the presence of the right hon. Baronet, the member for Tam-

worth, his testimony to the fairness of the right hon. Baronet's distribution of the Scottish Church patronage, and to add, that it gave general satisfaction in Scotland. The right hon. Baronet, in stating his general views with respect to the dispensation of patronage, adverted to the difference between choosing a clergyman and a civil officer. If this were a question which they had to decide simply in the abstract, he should be inclined to concur in his general reasoning, but a feeling of quite a contrary nature was very widely spread in Scotland. He was assured, also, of the fact, that a very large proportion of the secession from the Established Church of Scotland had originated in the question of patronage. It was the opinion of many conscientious, reasonable, and intelligent persons in Scotland, that the establishment could not be maintained except by this concession. That was the opinion of many. But admitting all that, he must freely state, that to proceed to the destruction of the present system without knowing what they were to substitute for it—to overthrow that which had been long established—that which had been sanctioned and approved by the General Assembly, would be a course on the part of the House so unadvised and so rash, that, with all his desire to defer to what he believed the wishes of a very great proportion of his constituents, he could not consent to it. The only proper course to pursue on the present occasion was, to leave the consideration of the question to the Church itself. It would, in his apprehension, be a most indecent proceeding on the part of the House, when they knew that there was a Church Parliament in Scotland, to legislate upon that subject without previously ascertaining the sentiments of that body, which alone would include the expression of a large body of public opinion. He should be sorry, at all events, to enter into any engagement which he thought would be against the constitution of the country. And what could be more inconsistent than pretending to have an established religion with no connexion with the State? But all connexion between the State and the Church of Scotland would be dissolved, if the patronage were placed in the hands of the people. He could understand the arguments of those Gentlemen who said, "We do not want an establishment at all," but he must say, it was rather an anomalous proceeding in those who support an establishment to take a step which must dissolve the connexion between Church and State. It would be a rash measure in the House to take such a step without more consideration than could be given to it in the species of debate they had had this evening. He apprehended, therefore, that the only course which his right hon. friend could possibly take was, to leave this question to the decision of the General Assembly. He wished justice to be done to all,—he wished the subject to be fully canvassed and considered by those who were competent to deliberate and decide upon it; and if it should eventually appear, that there were no other means of satisfying the general wishes of the people of Scotland; Parliament would then be competent to come to a decision upon this question. In his opinion the only feasible course was, to leave the decision of the question to the General Assembly. Nothing could be more rash, nothing more unwise, than to proceed to the destruction of the patronage of the Scotch Church without knowing what should be substituted in its place. For these reasons he recommended the hon. Member to withdraw the Motion.

Mr. *Hallyburton* supported the Motion. He wished to know how they could repeal the Act establishing the present system of patronage without establishing some other system. The proposition of the hon. Member went merely to abolish the law which conferred the patronage on the Crown, for the purpose of leaving it afterwards to be determined by the House how the arrangement should be made, so as to settle the establishment on a sound footing. That was, he thought, a rational object, and he felt inclined to vote for the repeal.

Mr. *Ewing* said, it had always been considered that the system of patronage, as it existed in the Church of Scotland, was an innovation on its established principles. He cordially supported the measure.

Mr. *Thomas Kennedy* said, he was prepared to establish a proper mode of appointing Ministers, instead of the present system of Church patronage. He regretted that the measure went in one sense too far, and in another not far enough. He should vote against it on that ground. He thought, however, that the present discussion, although no vote were come to upon the subject, would have a considerable effect on the General

Assembly, and make them come to a very different decision from that which they had come to last year upon the subject.

Sir *Robert Inglis* said, the Motion ostensibly referred to the appointment of ministers in the Church of Scotland; and even if its tendency were limited to the Scotch Church, as its terms implied, he would oppose it; yet, as it was perfectly clear that the principle of the Motion extended much further, and involved other establishments, he trusted the House would not think he was trespassing needlessly upon their attention while he endeavoured to point out to English Gentlemen how very much they were affected by the proposition of the hon. member for Caithness. The purport of the hon. Member's proposal was, to restore to the people of Scotland a right which, as the hon. Member said, till the 10th of Queen Anne they enjoyed. In the first place, it was much more than doubtful, how far that right was ever enjoyed by them; in fact, he believed, that in theory the right was always denied; at least, it was clear, that it never received the sanction of the General Assembly. In 1567, the General Assembly expressly declared to the Queen, that by what they had done, they did not intend in any degree to interfere with the right of patronage, but that, whomsoever her Majesty or any other patron should present with a benefice, that person should be tried by learned members of the Church, and, if found qualified, should be inducted; for, as the presentation to the benefice appertained to the patron, so the collation by law and reason belonged to the Church. In a work of authority upon this subject, the relative rights of the patron and the people were laid down and defined, and it was said, that if the patron's power to present were assumed by the people, there would be no order in the Church. The patron by law had the right of presentation, and the people had no power to divest him of it. The right of patronage in both countries was involved in the answer to this question;—who built the church, and who endowed it? If the people built or endowed the church, to the people let the patronage belong, but if it were built by one individual, and he a layman, then to him and his successors the patronage belonged. Let those who differed from the patron in their choice of a minister build and endow another church, but let them not take the right of patronage from those who had already built and endowed a church. His hon. friend, the member for Dumbartonshire, in a speech somewhat more severe than correct, endeavoured in one instance, to show, that lay patronage was destroyed when the Bishops were destroyed, and the hon. Member called upon him to declare his opinion, as if he were more interested in the question than any other hon. Member. He begged leave to assure his hon. friend, that that construction, ominous as he held it to be to the Established Church, was not more injurious to the Church than to all lay property whatsoever, for the former cry of "No Patron! no Bishop!" was soon followed by the cry of "No Bishop! no King!" But what he particularly wished the English gentlemen to recollect was this,—that if they assented to the principle contained in the proposition submitted to them by the hon. member for Caithness, they would assent to a proposition which went much further than the hon. Mover intended. He said, there was a great distinction between the Church of Scotland and the Church of England. In point of discipline there was; but in point of property they depended upon one and the same law; and the Legislature could no more take away from the lay patrons in Scotland their rights, or from the Crown its present rights of patronage, than it could take from the lay patrons of England their advowsons. Certainly, he did hope, that the learned Lord who represented in that House the Crown in that part of Great Britain, would not have made such a deprecating appeal to his hon. friend, urging him to withdraw his Motion. He expected, that the learned Lord, feeling how much such a measure would affect the rights of the Crown (he understood that the Crown possessed two-thirds of the right of patronage in Scotland), and feeling, also, how much it would affect the rights of the Established Church—he had hoped, he said, that instead of appealing to his hon. friend to withdraw his Motion, he would at once have resisted it; as he trusted after all, the learned Lord was prepared to resist it.

Mr. *Oswald* recommended that the matter should be left in the hands of the General Assembly.

Mr. *Robert Ferguson* said, the discussion which had taken place upon the sub-

ject would answer all the ends which could be aimed at by the Motion, and he therefore recommended that it should be withdrawn.

Mr. *Pryme* said, it would appear extraordinary if, when they were conferring upon the people in the burghs of Scotland the power of electing their civil officers, they were to withhold from them the power of electing a Minister, with respect to whom it was of so much importance that there should be a good feeling between him and his parishioners. It was said, that the introduction of popular election in this case would be productive of continual discord in parishes. He had lived twenty years in a town where three of the parishes enjoyed popular election, in the choice of their ministers; he had thus had an opportunity of seeing its effects; and it was his opinion, that the introduction into a parish of a person who was disagreeable to the inhabitants was at least productive of equal evil.

Lord *Althorp* said, he had no wish to throw any obstacle in the way of this most important question; but it was impossible for the House to enter into the discussion of the repeal of a Statute which conferred on his Majesty certain prerogatives, without having the consent of his Majesty. He was not prepared, at this time, to give that assent. He appealed to the Speaker whether they were competent, under such circumstances, to entertain the question.

The *Speaker* said, he had not before read the Act of Charles 2nd, by which the patronage in question was conferred upon the Crown; but he had since sent for it, and had read it. This was certainly a question affecting the rights and privileges of the Crown; and it was quite clear, that it could not be discussed without the consent of his Majesty.

Mr. *Sinclair* stated, that he would certainly not press the Motion, but he would bring it before the House under more favourable circumstances next Session.

Mr. *Pryme* should have been inclined to deny the doctrine laid down by the Chair. That, however, only showed his ignorance of the practice of Parliament; but he had thought, that the House could proceed to the repeal of any Act of Parliament without applying to his Majesty.

Lord *Althorp* said, that entirely depended upon what the Act of Parliament might be. They could not proceed to take away any right or privilege of the Crown without the consent of the Crown.

The *Speaker* said, it was quite impossible to entertain the question in any shape. He was himself to blame for having put the question. He did not know the contents of the Act; but having called for it and read it, he found, that the Motion could not be entertained by the House without the consent of the Crown, intimated, as usual, through a Privy Councillor.

Motion withdrawn.

HOUSE OF LORDS,

Wednesday, July 17, 1833.

MINUTES.] Bills. Read a third time.—Highland Roads and Bridges; Assessed Taxes Composition.

Petitions presented. By the Earl of RODEN, the Archbishop of CANTERBURY, the Bishop of LONDON, the Duke of WELLINGTON, Viscount SIDMOUTH, and Lords CARBERY and BEXLEY, from a Number of Places, against the Church Temporalities (Ireland) Bill.—By Lord SUFFIELD, from several Places, against Slavery.—By the Bishop of LONDON, from Chesterton, for the Better Observance of the Sabbath.—By the Earl of ROSEBERY, from Leith, in favour of the Burgh Magistrates Bill.—By Lord STOURTON, from several Places, against Tithes and Church Cess in Ireland.—By the Duke of NEWCASTLE, from East Retford, against the Removal of the Civil Disabilities of the Jews.

CHURCH TEMPORALITIES (IRELAND.)] The Duke of *Newcastle* presented a Petition from East Retford, against this Bill. He entirely concurred in the opinion of the petitioners, that the proposed measure was inconsistent with the security of the Established Church in Ireland. He perfectly agreed with the observations made on a former evening by a noble Duke (the Duke of Buckingham) on the subject of the Coronation Oath. In his opinion, Ministers had advised his Majesty to consent to a violation of that sacred obligation.

Earl *Grey* rose to order. The noble Duke had thought proper to make a very grave and serious charge against his Majesty's Ministers, which he felt it his duty to repel. It was perfectly free to the noble Duke to argue, that in his view of the question, the measure which would be discussed that night, interfered with the Coronation Oath, but he had no right to say, that his Majesty's Ministers had advised him to trifle with that sacred obligation. To assert, thus broadly, that Ministers had advised his Majesty to violate a sacred obligation, was most unparliamentary. Let the noble Duke withdraw that assertion, and he might argue as much and as long as he pleased, that the Bill introduced was inconsistent with the obligation imposed by

the Coronation Oath. That, however, was not the course taken by the noble Duke. He had accused Ministers of advising and counselling his Majesty to do that which, with their sense of moral duty, they never could have advised him to do.

The Duke of *Newcastle* was still of opinion, that Ministers, in advising his Majesty to agree to the principle of this Bill, had advised that which tended to a violation of the Coronation Oath. He asserted, that Ministers had advised that which was directly opposed to the Coronation Oath. They had advised a course which, he had no hesitation in saying, had excited the regret of all his Majesty's good and loyal subjects. He feared that this Bill would proceed as the Reform Bill had done, and that the intimidators would overcome the intimidated. He feared that there might be, on the present occasion, as there was on the former, a body of waverers. His earnest wish was, that it might not be so; but, at all events, he would do his duty. In his opinion, this measure would be entirely subversive of the Established Church in Ireland. The consequences would be felt by the Church first of all, but others, who now apprehended no danger, would suffer by it hereafter. The measure did evidently go to the destruction of the Church, and he would ask, whether a country could proceed prosperously unless it were moral and religious? He trusted that their Lordships would do their duty fearlessly—that they would reject this Bill, and thus preserve their country. He hoped, that the right reverend Bench would give their utmost opposition to the measure. He had heard, out of doors, that a letter, purporting to come from a high quarter, had been addressed to the reverend Bench, calling on them not to meddle with any measure in that House, except it was purely ecclesiastical. He did not intend to make any remark on those who had advised the writing of that letter, though he had his own opinion on the subject; he, however, conjured the reverend Bench not to forego their duty on this occasion. He conjured them by their regard for religion, by their love of the Protestant Church, to do their duty, without turning to the right or to the left, without looking to consequences. Let them merely act as faithful ministers of the Protestant Church, and instead of such conduct rendering them odious, it would command the esteem, gratitude, and veneration of their country.

The Bishop of *London* said, he could not speak for his brethren, but for himself he would say, that he was extremely obliged to the noble Duke for the advice that had been given by him. He trusted, however, that he had a sufficient understanding of the great principles of this Bill to guide him in his conduct without the advice of the noble Duke. He was, however, a little surprised at the language in which the noble Duke had conveyed his counsel; for he was at a loss to understand, how he, consistently with the duty of a prelate of the Established Church, or how the noble Duke, or any other Member of their Lordships' House, could give a vote on any subject, without looking to consequences.

The Duke of *Buckingham* did not mean to make any remark on the speech of the right reverend Prelate; but he did not think that the smile or the sneer of the noble Earl, when the noble Duke called on the reverend Bench to make up their minds to decide this question according to the dictates of their consciences, rather than with reference to consequences and arguments, was deserved. The noble Earl had taken the noble Duke to task, and had declared that it was not competent for any Peer in that House to call Ministers to account for having advised his Majesty to break his Coronation Oath. It was not necessary then to discuss, nor would he discuss, whether this measure involved a violation of the Coronation Oath; but he had stated, and he would state over and over again, that the King could do no act without the concurrence of advisers, of responsible and accredited advisers. And he would maintain, that it was competent for any noble Lord, if he felt that the advice given to the King was not proper, to express his opinion on the subject. Their Lordships would be guilty of a dereliction of duty, when they conceived that the advice which had been given by Ministers tended to a violation of the Coronation Oath, if they did not taunt and charge Ministers with so improper an act.

Earl *Grey* said, he would not be driven, by all the "sound and fury" of the noble Duke, to enter into a premature discussion. He did not know what he had done to excite so much asperity. He had complained, when he called the noble Duke (Newcastle) to order, that that noble Duke had proceeded contrary to the usages and etiquette of that House, in directly charging his Ma-

jesty's Ministers, as if they had deliberately called upon the King to violate his Coronation Oath. It was very true, that his Majesty acted under the advice of his responsible counsellors. They were bound to give that advice according to the best view they could take of all the circumstances of any given case. If they did so on this occasion, that advice being founded on the principle that the course which they counselled did not interfere with any sacred obligation entered into by his Majesty, then, though they were responsible for such advice, they were not open to the charge of the noble Duke, that they had deliberately called on his Majesty to break his Coronation Oath. If they had exercised, as they thought they had exercised in this case, a sound discretion—if it were clear (and he thought it was clear) that they did not deliberately advise his Majesty to do that which they felt to be wrong—and if they had done so they would, undoubtedly have been guilty of a great crime —then they had a right to complain of the charge brought against them by the noble Duke. The noble Duke was at liberty to argue, that the provisions of this Bill were mischievous—the noble Duke was at liberty to maintain, that the provisions of this Bill were inconsistent with the Coronation Oath — an argument which he had met before, and which he was prepared to meet again— but it was a very different thing to argue those points, and to charge Ministers unhesitatingly with having deliberately advised his Majesty to break his Coronation Oath. The noble Duke who had last spoken had accused him of having sneered or smiled, when the noble Duke who spoke before him had called on the right reverend Bench to do their duty fearlessly and conscientiously, without reference to consequences or arguments. Now, he wished all their Lordships to perform their duties deliberately, fearlessly, and conscientiously; but undoubtedly he thought they ought to consider consequences and to balance arguments. That was the point, and that alone, which provoked his smiles; for he did think it a little extraordinary that the noble Duke should have pursued his argument to such an extent, as to call for a decision on this question without due consideration. It was, he thought, not a little extraordinary for the noble Duke to press his principle or his feelings so far, as to call on the right reverend Prelate to act upon this occasion—this important occasion—without being influenced by arguments, without considering consequences, with reference to either one side or the other. Their Lordships ought to act, undoubtedly, fearlessly and conscientiously; but, to arrive at a safe conclusion, they should hear all the arguments on either side, and in the end they should be influenced by those which, as it appeared to them, ought to preponderate. It was the idea of coming to a decision without weighing the arguments that provoked a smile on his countenance. Nothing could have been further from his thoughts than the idea of treating slightingly the sanction of an oath, or of scoffing at the obligations of the Members of that House.

The Duke of *Buckingham* said, it surely could not be denied, that the right reverend Prelate was bound to act in accordance with the dictates of his conscience, whatever arguments might be adduced. The noble Duke, of whom the noble Earl had complained, had not attached motives to any advice that had been given. Facts, however, might be stated, without imputing motives. It was not necessary to state that Ministers had directly advised his Majesty to break his Coronation Oath, though it might be their duty to argue that the advice which they gave would have that effect.

Petition laid on the Table.

CAPTAIN NAPIER.] The Marquess of *Londonderry* was sorry to arrest the proceeding which was particularly fixed for that evening; but he felt that it was due to himself on the one side, and to the noble Earl opposite on the other, to request the attention of the House for a few minutes. He had to bring a charge against the noble Earl, either of great want of courtesy to him, or of gross ignorance with respect to the acts of his own Administration. On the 15th instant he took occasion to rise in his place, and to ask if it was true, as stated in the accounts which appeared in the public journals, that a fleet, under the command of a British officer, had captured the fleet of Don Miguel? And if that were the fact, whether that officer was still in his Majesty's service? He further inquired, whether the noble Earl had received any information with respect to the intelligence so obtained by the public? Such, he believed, were pretty nearly his questions. The noble Earl answered, that with respect to Captain Napier, the Admiralty would do what was proper in the case of that

officer, and that, with reference to the engagement which was said to have taken place, he knew nothing more than what he (the Marquess of Londonderry) was himself acquainted with—namely, what was stated in the public prints. He thought at the time, though he was bound to receive the answer of the noble Earl, that the noble Earl should have been a little cautious in giving the same sort of answer which he had formerly given to a noble Duke, because the consequences which followed that answer must still be in the recollection of the noble Earl. But what did he (the Marquess of Londonderry) find in the journals of the very next day? He found the following Communication, which they were all acquainted with, but which he would nevertheless read to the House. It was a communication addressed to the Secretary of Lloyd's, and ran thus:—

Foreign Office, July 15.

Sir,—I am directed by Viscount Palmerston to acquaint you, for the information of the committee of Lloyd's, that intelligence has been received at this department, that the Regency acting in Portugal in the name and on behalf of her most faithful majesty, Donna Maria da Gloria has resolved to establish immediately an effective blockade of the port of Lisbon, and of all the other ports of Portugal where the authority of her most faithful majesty shall not be established and acknowledged, and that it is supposed that the blockade is already in force.

I am, Sir, &c.

J. Backhouse.

The Secretary at Lloyd's.

Now, he appealed to the noble Earl to say whether he knew anything of that document, which had emanated from the Foreign Office at the very time when he gave him (the Marquess of Londonderry) such an answer as he had done? Could it be sent to Lloyd's, and the noble Earl be ignorant of it? Could the consequences of this projected measure be unknown to the noble Earl? Could any individual in the Foreign Office send forth such a document without previous consideration? It related to a proceeding which might be attended with great and serious consequences to the interests of this country. Hereafter their Lordships should have an opportunity of considering whether this was a blockade that could be enforced, and also of examining what the meaning of that letter was. What was meant by the regency acting in Portugal? Was it the regency of Don Pedro, or the regency of Don Carlos, at Algarve? If the noble Earl knew of this letter, he was bound in common courtesy to have granted him the information he asked for: if he did not, then there appeared to be a gross dereliction of duty, and he felt it right to call for explanation before he submitted that Motion to the House which he meant, and was entitled to make. There was either an extraordinary want of courtesy to a Member of that House in the conduct of the noble Earl, or else there was a total ignorance of the Acts of the noble Earl's Administration.

Earl *Grey* said, that he should be extremely sorry if a charge could with any justice, be brought against him on account of want of courtesy to the noble Earl, or to any other noble Lord. As to the charge of ignorance with respect to what was going on under his Administration, he was certainly less anxious; but he would state to their Lordships how the facts stood. With respect to the first question, which related to the dismissal of Captain Napier, he had stated, in answer to the noble Earl, that he could not say whether that individual was actually in his Majesty's service or not; but that his Majesty's Government, he had no doubt, had done that which was proper in the case. The circumstances under which he answered were simply these;—the moment it was reported that Captain Napier had taken the command of Don Pedro's fleet, it was determined to proceed precisely on the same principle that had been adopted in the case of Admiral Sartorius; and as soon as that official information arrived, which was required in the former case, it was decided that the same course should be pursued towards Captain Napier that had been acted on with respect to Admiral Sartorius. He did not know at the moment (and the noble Earl might, if he pleased, accuse him of ignorance), but he really did not know at the time that any authentic information had been received. The determination had, however, been taken, and on the Friday preceding—and he stated the fact, with great regret, because, admiring, as he did, and as every one must, the gallantry, the daring, the spirit, the skill, by which Captain Napier had, on that occasion, distinguished himself, and upheld the character of a British sailor, it was, he said, with great regret he now stated, that on the receipt of this intelligence, a few days before, which was brought to this country by a steamer from Lisbon, that officer had been struck

from the list of his Majesty's service. As to the other point, he had answered at the time, that Government had received no official despatches on the subject of the battle; and that all they knew about it was derived from the letter which had appeared in the papers of that day, signed Don Carlos de Ponza. He was not at the time officially aware of the transaction. The noble Earl had asked him a question as to a fact, and he had answered it as well as he could. If the noble Earl wished to prefer a charge against his Majesty's Ministers, let him bring it forward, and he would be ready to meet it. All he should further say was, that on the present, as on former occasions, notice had been sent to Lloyd's merely to put persons who were interested on their guard, and that notice could only be acted on when an effective blockade was formally established.

The Duke of *Buckingham* said, no one lamented more than he did, that a gallant officer like Captain Napier should, by a breach of regulations, have rendered his dismissal from his Majesty's service necessary. Whatever that breach was, it was gratifying to know that so brilliant an achievement had been performed by an English officer. It was, however, now admitted, and established as a fact, that though the dismissal of that officer by his Majesty's Government occurred on Friday, it was not known to the head of that Government till the Monday following.

CHURCH TEMPORALITIES (IRELAND).] Earl *Grey* having moved the Order of the Day for the second reading of the Church Temporalities (Ireland) Bill, proceeded to say, that it then became his duty to address their Lordships on the subject of the very important Bill which had already taken up so considerable a portion of their Lordships' time that evening. From what had passed even on the present occasion, it was utterly impossible that he should not be deeply impressed with all the difficulties of the circumstances in which he was placed. Under these difficulties, his consolation and support must be, that the time had at last come when the feelings, and the motives, and the principles, which had governed the proceedings of his Majesty's Ministers might be fairly explained; and when an answer might be made to those imputations which had been thrown out against them, ascribing to them conduct, which was as far removed from their intentions as it would be at variance with the most sacred obligations, both of their private and public duty. He was well aware of the feelings, and the prejudices, from which those imputations arose and he was also aware of the sensitive, and, in many respects, laudable affections which must agitate men's minds on the mere mention of any interference with the institutions of the Established Church. He well knew the dread with which many sincere and conscientious men listened to any proposals for changing what they had been accustomed to regard as sacred. He did not blame those feelings nor wish to diminish them, for he knew that they arose from a virtuous principle, and that, when duly controlled by calm reason, by enlightened policy, and comprehensive charity, they were salutary. God forbid, that he should do violence to them, or in any manner shake or affront them; he would rather, on the contrary, call them to his aid in the discussion of measures, which he could assure their Lordships was brought forward with a sincere desire not to impair or weaken, but by averting the dangers with which it was threatened, to strengthen, to increase, and to uphold the Established Church. To this discussion he would endeavour to address himself in a temper suited to the subject, and if any heat had already manifested itself in the course of the evening, he trusted that none would again be elicited, and that they should act under that sense of duty by which the noble Duke (Duke of Newcastle) had so emphatically recommended them to guide their conduct, and that prepared to act firmly, they would hear patiently, examine calmly, all the grounds on which this measure was proposed. A singular proposition indeed had been made to their Lordships, or rather to the right reverend Bench from the other side of the House, a proposition which would equally preclude taking counsel from the past, and providing for the future. The right reverend Prelates had been called on entirely to shut their eyes to all which had hitherto passed, and to pay no regard to the consideration of future consequences in deciding upon this question. The doctrine to be addressed to their Lordships was a most extraordinary one; and those who had adopted it must, he conceived, have done so without having properly weighed it. They adopted as their maxim the motto "fiat justitia ruat cœlum;" they wished to oppose improvement without regarding the consequences, and to decide upon the question without reference to the

interests of the Church, or the welfare of the country. This was a somewhat extraordinary recommendation to give to an Assembly of Statesmen, to a deliberative body, whose duty it was, to look at the consequences of past legislation and examine all its probable bearings in future. He would advise their Lordships to approach the discussion deliberately, to weigh and well consider all that was proposed, to take into view all the bearings and consequences of the measure, before they decided upon its adoption or rejection. That was what he would recommend them to do, and not, as the noble Duke recommended, give no hearing to the arguments which were to be advanced on the one side or upon the other. He trusted they would proceed to the consideration of the important question both as Statesmen and Legislators, that they would view with due anxiety the circumstances in which the Church establishment of Ireland was placed, and what alterations might be requisite to be made in it, and endeavour, so far as they could consistently with their other obligations, to avert the evils and dangers which threatened its security. Having premised thus much, he would proceed to state at once to the House the object of the present measure. He had before stated, and he would again state, that the objects which his Majesty's Ministers contemplated in framing this measure were threefold, but that its main object was to effect such alterations in the Church Establishment of Ireland as the present circumstances seemed to render necessary. Did such necessity exist? For answer he would bid them look at the state of affairs in Ireland—he would bid them recall the various deliberations which had taken place in Parliament on the subject, and then say whether it was not in consequence of various abuses, that the Church establishment in Ireland was encompassed with dangers, and whether, it was not their duty, by removing the abuses, to lessen the dangers. Could any reasonable man, looking at the present state of affairs in Ireland, say that some measure was not necessary? And if danger was threatened, and if no man could say abuses did not exist, why refuse to endeavour by kindly methods to remove some of those grievances which occasioned general discontent, and diminished the security of the Church? In the beginning of the Session his Majesty, in his most gracious Speech, in adverting to the condition of the English and Irish Church, recommended Parliament to approach the consideration of those important subjects with calmness and deliberation. His Majesty said, "In your deliberations on these important subjects, it cannot be necessary for me to impress upon you the duty of carefully attending to the security of the Church established by law in these realms, and to the true interests of religion." In that spirit of salutary caution did his Majesty, in his paternal benevolence, wish them to consider the subject, and in that same spirit he adjured their Lordships to discuss the measure then before them. With respect to the Church of Ireland more particularly, his Majesty said, "I recommend to you, in conjunction with such other amendments of the law, as may be found applicable to that part of my dominions, the adoption of a measure by which, upon the principle of a just commutation, the possessors of land may be enabled to free themselves from the burthen of an annual payment." To this last recommendation he (Lord Grey), in the first place, intended to call the attention of their Lordships, and in doing so he could not avoid saying a few words on the arguments founded on the Union of the Churches of England and Ireland, and on a pretended violation of the Act of Union, by the introduction of the present measure. It was acknowledged on all hands that the Church of England and of Ireland was established by law, but he had yet to learn that the Act of Union precluded the Legislature from making such alterations in the general distribution of the Church Temporalities as might be applicable to and consistent with the interests of both those Churches. Was the Act of Union to bind down the Legislature against ever effecting any alteration which might tend to the benefit of the Church itself? It was the necessity of adopting some measures for the security of the Church which his Majesty felt when, on the advice of his Ministers, he ordered them to introduce the present Bill into the other House of Parliament. His Majesty, he repeated, was then convinced of the necessity for adopting some provisions for the security of the Church—a conviction which was almost universally entertained. On this subject he would quote an authority which pleased him the more because it emanated from a political opponent; but, though an opponent—a man than whom he respected none more sincerely—he alluded to an opinion delivered in the other House of Parliament when this measure was first in-

troduced by a distinguished Member of that House, in reference to something being necessary to effect an alteration in the temporalities of the Church of Ireland, and which was to this effect:—'He admitted, that the time was now come 'when the whole state of that Church 'must undergo an enlarged and comprehensive consideration. The time had come 'when it was desirable that it should undergo that consideration, not so much for 'the purpose of conciliating any party 'hostile to the Church, but for the purpose of determining whether anything 'could be done to add to its stability and 'security. He had come down prepared 'to consider favourably any plan which 'might tend to correct the abuses of the 'Church—such as the holding of pluralities, 'the duties of which could not be satisfactorily discharged by the individuals holding them, or the conversion into sinecures 'of functions which ought to be actively 'discharged. He was prepared to receive, 'favourably, any scheme of Reform, which, 'whatever might be its tendency to diminish the utility of the Church as a source 'of patronage to Government, might tend to 'propagate and extend the blessings of the 'Protestant faith.'* That was a statement recommending the immediate consideration of the subject before the House; but if he wished to go further, he might cite in his favour the testimony of the highest authorities of the Church itself—the testimony of Prelates, who had expressed a sense of the dangers surrounding the establishment, and an earnest desire to concur in such alterations as were demanded by the interests and advantages of the Church. Such was the object of the present measure, and such were the authorities he could cite in support of the views of his Majesty's Ministers. They were convinced, that this necessary work could now no longer be delayed, and their chief regret on the subject was, that it had been delayed so long. He had referred to some authorities, but if other and stronger reasons were necessary for the adjustment of this question, he might cite the vast majorities which, in the other House of Parliament, had supported this measure in every stage [*Cries of "Oh, oh!" and "No."*] If any noble Lords thought him out of order, they ought to rise and state their opinions, and not interrupt him in that unusual manner.

The Earl of *Guildford* said, that the present did not seem to be a fit time to quote those divisions with a view of influencing their Lordships' judgment.

Earl *Grey*: It surely could not be considered an improper time to show the general feeling which prevailed as to the necessity of taking the question into serious consideration, with the view to the interest of the Church itself. He certainly did not mean to refer to those divisions for the purpose of controlling their Lordships' decision, but there was some respect due to the decisions of the House of Commons, which would not allow their Lordships to disregard a strong expression of its opinion. Their Lordships might feel themselves obliged to adopt a different conclusion; but the knowledge of the opinions of the other House before rejecting a measure sent up from it, should induce their Lordships most carefully to weigh and consider it. More than that he did not contend for. To give force to that view he was about to quote the votes of the other House when he met with what he must call an improper interruption. He would then proceed to refer to the votes of the House of Commons as laid on their Lordships' Table, and as official documents to which no objection could be taken. On the first division which took place on the second reading of the first Bill in that House, there were 187 Ayes, and 46 Noes; leaving a majority of more than 4 to 1. On the second reading of the new Bill, on the 6th of May, (for the first was withdrawn in consequence of an informality) there appeared Ayes 317, Noes 78; leaving a majority of 4 to 1. After the Bill had gone through Committee, the last division, on the question that the Bill do pass, showed 274 Ayes, and 94 Noes, a majority of nearly 3 to 1—though in this last division, as their Lordships would recollect, the Minority was made up of those who thought the Bill went too far, and also of many of those who voted for the principle of the Bill, but voted against it on the third reading, because that it did not go far enough, and was a pure delusion. Here, then, was a case almost unexampled in Parliamentary history, that while the progress of the Bill was so much contested, the majorities in favour of it were never less than three to one, and in some instances four to one. There were two other divisions on the subject, the first of which, on the Church property Clause, was more than eight to one; the numbers being Ayes 126, Noes 16, and the last upon some other clauses, in which the numbers

* Hansard (third series) xv. p. 600.

were, Ayes 177, Noes 86, being a Majority of two to one. Their Lordships would do well to take these facts into consideration in forming an idea of the necessity of taking some steps to secure the Protestant Church in Ireland. He would next advert to the provisions of the Bill adopted by the other House of Parliament, and conceived, as he had said, by the Ministers, with the best intentions, for the purpose of securing and maintaining the Irish Church Establishment. The objects to be accomplished by the Bill were first the removal of an injurious tax which pressed heavily on the people, occasioning great complaint and animosity, and which, more than any other cause, promoted the spirit of insubordination and violence which existed in Ireland, and which was fraught with danger to the best institutions of the State as well as to the best interests of the Church; the second was a more equal distribution of the temporalities of the Church by the augmentation of small livings; and the third was, to provide means for the building and repairing Churches and glebe houses, thereby securing the residence of the Protestant clergyman and promoting the Protestant faith. These were all objects of the greatest importance to the Church itself. In the first place, then, the Bill abolished the Church-cess, intended by the Act of the 47th of George 3rd to provide for the repairs of the Church, but which had been proved by experience, as was well known to all who attended to Irish affairs, to be a fertile source of evil, occasioning dissension and discord such as were never he believed before created by so small a sum of money as the amount of the tax levied. On this point too he could refer to the highest authorities to show, that an absolute necessity existed to repeal this tax. Even the primate of Ireland, and the clergy of the diocess of Armagh, had admitted, in petitions lately presented to the House, the necessity of the abolition of the Vestry-cess, and they stated, that they would not object to such a diminution of their income as was essential to the maintenance of the Church Establishment, getting rid of those assessments, if it should appear to Parliament that such assessments were a source of disunion, dissension, and strife. That was an opinion of a high authority, in favour of putting an end to the Church-cess. He could also refer to an opinion in favour of this part of the measure, expressed by the same distinguished Member of the other House, to whom he had before referred, as expressing an opinion in favour of some measure of Church Reform. Sir Robert Peel said, on February 12th 'He was 'prepared—and he now only repeated those 'sentiments which he had expressed in the 'last Parliament—he was prepared, he 'repeated, to admit that he thought that no 'settlement of the question relating to the 'Church would be satisfactory and consistent with the safety and security of the 'Establishment, which did not involve an 'arrangement on the subject of Church-cess, and Vestry Rates. He thought that 'it would be an immense advantage to 'remove the Protestant Church in Ireland 'from contact and collision with the 'Catholic peasant. As the landed property 'of that Church was chiefly in the possession of Protestants, he saw no injustice in 'placing upon the Protestant holders of 'land in fee those charges which both law 'and equity imposed, and to which the 'Church had as much right as the landlords 'of Ireland had to the enjoyment of their 'property. Even if they should succeed 'in removing all complaints arising out of 'the exaction of tithes from the Roman 'Catholic tenant of the Protestant landlord, they must not suppose that their 'arrangements would be complete unless 'they also released the Roman Catholic 'tenant from the payment of Church-cess. 'Though the amount of that cess was not 'great, yet it would be considered a still 'more aggravated grievance than it was 'at present if it should be retained after 'tithes were abolished.' * That this tax had been the cause of discontent and agitation, of bitter complaint, and even of violence, and was much to be lamented, no man attending even casually to the passing events of the day could doubt, and the only question really remaining was as to the best means to be adopted for its removal. The Bill now proposed to their Lordships presented this remedy, but the noble Duke opposite (the Duke of Buckingham) had urged that it amounted to spoliation, because it went to appropriate some part of the property and revenues of the Church for the purposes of relieving the people from this impost, and put an end to the violence and outrages of which it was the cause. The noble Duke might, of course, characterise the measure as he pleased, but if that were spoliation which promised such beneficial consequences, he could only say, that the noble Duke would convert him

* Hansard (new series), xv. p. 601.

into an advocate for spoliation. The next object for which the Bill professed to provide was the augmentation of small livings; which, it could not be denied, was of immense importance to the welfare of the Church. It would be completely consistent with the object for which the Church revenues were granted, that some portion of the revenues, at present so unequally distributed, should be applied (and from such an application it could not surely be said any violence was perpetrated) to augment the stipends of those who had laborious duties to perform, and yet were suffering in penury and with incomes hardly sufficient to maintain a decent existence. This was an evil which had been urged as a reproach by the enemies of the Church, and for which a remedy was recommended by its best friends. The last object of the Bill was the building of Churches and glebe-houses, in addition to which, of course, provision was contained in the Bill for effecting necessary and proper repairs. It must be obvious to their Lordships, that such a provision was so immediately necessary, with a view to the best interests of the Church, that it would be superfluous for him to endeavour to persuade their Lordships to coincide in that which seemed to be so established a proposition. He would, in the next place, call their Lordships' attention to that proposition which seemed most likely to be most warmly contested—he alluded to the conversion into perpetuities of the leases held by tenants under the Bishops. This proposition in the Bill he could not think would be opposed as an act of spoliation. Nothing would be taken from the Church—on the contrary, all the revenues which the Bishops now enjoyed from those leases would be fully secured to them. It was also clear, supposing that anything were taken from the Bishops, it must be so small, that, with their remaining revenues, the Bishops of Ireland would be amply and sufficiently provided for, not only for the proper and fit execution of their duties, but also to maintain themselves in that situation and condition entitling them to that respect he should wish to see continued towards them. He felt that this was of great importance both to the country and to the Church itself. The Bishops would lose nothing, the Church would gain much—gain both by the manner in which the proceeds of the sale of the perpetuities was to be applied, and by the stimulus which the conversion would give to industry and trade. He was aware it had been considered generally, and had been so stated, that Bishop's leases were nearly as good as perpetuities, but the difference between the value of one and the other was apparent from a comparison of the state of different lands at the present moment. It was an observation almost proverbial in Ireland, that you might know from the state of cultivation, in merely passing through the country, which were the lands held under Bishops' leases, and which were those held in perpetuity. This was a conclusive proof that tenures under Bishops' leases were not regarded in the same light as tenures in perpetuity; and the cause was obvious, for no man not holding a freehold in the property, would have the same inducement to improve the estate as the individual who might possess the freehold. He would say, therefore, that this proposed alteration was not only a boon to the Church itself, in securing it against those causes of complaint which had created agitation amongst its enemies, and which had been deplored by its best friends; but would also be greatly advantageous to the community itself, by affording employment to that active and industrious people—the people of Ireland, whose want of employment had over and over again been stated to be the cause of those evils which that country had suffered for so many years. He was at a loss to conceive any cause of opposition to this part of the Bill, and though he would admit it would be an alienation from the Church, yet the alienation was to be applied to Church purposes. He was aware that a great deal of dispute had arisen upon this point, and that it had been stated that by limiting this proposition, the best principle of the Bill had been sacrificed. To that proposition or statement he could not subscribe, and, on the contrary, he would state that so far from any interest being sacrificed by that alteration (to which he was ready to consent, in order to remove objections, and which he thought was a wise course, when it could be followed without any injury to the efficiency of the measure) the reverse would prove to be the fact. The alteration involved no part of the principle of the Bill, but avoided the declaration of a principle which had been sedulously excluded from the Bill, for the Government were anxious to avoid the assertion of abstract principles of right, and the discussion of a point on which so much diversity of opinion prevailed, as, whether the property of the Church could be taken and

applied to purposes other than Church purposes. The time might come when this topic could properly be discussed, and should such a period arrive, he hoped—nay was satisfied—that their Lordships would meet and discuss the point with perfect fairness and candour. At present, however, he saw no reason for entering upon that discussion, for, after consideration, it had been decided that this new value given to Church property could be disposed of more properly by a future Parliament. In alienating in the manner proposed, the property affected by the part of the Bill he had referred to, it could not be said, that there was any departure from principle, or anything approaching to injustice. He had, however, some examples and precedents of similar alienations of Church property, which he begged to quote in support of the present Bill. It could not be forgotten by their Lordships that two years ago a Bill had passed through their Lordships' House, under the sanction of a right reverend Prelate, and which another right reverend Prelate supported, by which part of the property of the Chapter of Durham was sold for the purpose of establishing a college in that diocess. He had subscribed to the propriety of such an application of the revenues, and to the benevolence of the object in view; and no man gave more credit than he did to the right reverend Prelate for the liberality he had manifested upon that occasion; and he would further state, that, as in this instance, the property of the Church might, without any breach of the Coronation Oath, be yielded up with immense advantage to the Church itself, by the consequent promotion of good, moral, and religious education of the community. He thought he was sanctioned by this precedent alone, in applying the same principle in the same way, and in calling upon their Lordships to consent to a measure so strictly warranted on the part of the Legislature, and which observed the rights of the Church as a Corporation, while it paid a proper attention to the interests of the religious establishments of the country. He was convinced that the alienation proposed by the Bill would be a great advantage to the Church itself and to the community at large, and that his Majesty, in giving his assent to it, had not in any manner violated his coronation oath, nor had his Ministers, in advising him so to do, lost sight of their duty to the Church or their duty to the country. The next point in the Bill to which he now had arrived was one to which he was afraid, from what he had heard, still greater objections would be raised. He meant the reduction of the number of Bishops. It was proposed by the Bill, that as soon as certain bishopries should fall vacant, they should be united to other sees, by which means the number of bishopries in Ireland would be reduced from twenty-two, the present number of bishopries in Ireland, to twelve. On principle nothing could be offered against and in opposition to this reduction, provided it should be found to be expedient. It was by the view of expediency—a word which the noble Duke opposite would now proscribe—a word which grated on the ear of the noble Duke, and which the noble Duke, it would now appear, abominated—that he (Earl Grey) was actuated in this reduction. He was prepared also to show, that there was nothing in law, in right, in principle, nor even in usage, to prevent the adoption by their Lordships of this measure, provided it was shown that it was expedient; and what their Lordships had to consider was, whether that reduction was expedient in reference to the general interests of the Church and the community at large. With reference to the number of Bishops, he must remind their Lordships, that in Ireland the number had never been uniform up to the time of the Union. The number had once been no less than thirty-three, and from that had fallen below the number at which they at present stood, and the alterations had been effected both on different principles and in different modes. The present number of Irish Bishops, however, was twenty-two, and each see consisted of several unions of dioceses made at different times, under different circumstances, and by different parties. He should show their Lordships, that they were not only at liberty to deal with this subject, but even further, that but for an Article in the Act of Union, regulating the relative number of Irish Bishops to sit in that House, it might be regulated by his Majesty without the interference of the Legislature at all. He had found that, in two instances, the union of dioceses had been effected by acts of Parliament. The archdiocess of Cashel and the bishopric of Emly were united by an Act passed in the 11th year of Elizabeth, and, being a private statute, was not of record, but its title was to be found in Ball's Index to be "an Act for uniting the bishopric of Emly with the archbishopric of Cashel, passed in the 11th year of the reign of Elizabeth." The next union of

sees was in the case of Meath and Clonmacnoise, which took place in the 11th year of the same reign, also by a statute, the title of which was to be found also in Ball's Index. Under the authority of Pope Eugene 4th, the diocess of Down and Connor were united in the year 1441, and that union was sanctioned by Henry 6th, under his letters patent, now on record in the Tower of London. The diocesses of Waterford and Lismore were consolidated in 1316, by Pope Urban 5th in the same way; and the sees of Cork and Ross had been held together since 1678, *in commendam*, without being otherwise united. So also, in 1660, with the sees of Limerick, Ardfert, and Aghadoe, with Clonfert and Kilmacduagh; and with Killala and Achonry in 1667. In 1645 the sees of Ardagh and Tuam were held *in commendam*, and in 1752 Killaloe and Kilfenora were so held, though never before united. From the precedents which he had now stated, it appeared, that the bishoprics of Ireland could be united and held *in commendam*, by the authority of the Crown alone without the interference of the Legislature, precisely in the same way as was proposed by the Bill then before their Lordships. He had called the attention of their Lordships to those facts in order to show that the diminution of the Bishops by unions of sees, where the interests of the Church would not suffer, was a measure warranted by experience, and by precedent, and was not inconsistent with law; and then the question came merely to one point, whether the diminution proposed by the Bill was expedient. If that expediency were proved, as he thought it would be, it would be sufficient to induce their Lordships to give their consent to the proposal which had been made. He had already said, that the number of Bishops had been higher as well as lower than at present. The number now was twenty-two, while, in the reign of James 1st, the number was eighteen, comprising four Archbishops and fourteen Bishops; and of that number it was worth attention, that many of the unions of sees then existing were the same as it was proposed to make in the present Bill. The 43rd clause of the Bill proposed, in the first place, to unite the dioceses of Kilmore and Ardagh, both of which were held together from the year 1603 to 1727, with the exception of a short interval in the years 1693 and 1694. The dioceses of Cork and Cloyne were united from the year 1401 to the year 1553, and the sees of Cork, Cloyne, and Ross, were united from the year 1638 to the year 1673. It was proposed by the Bill to unite the dioceses of Derry and Raphoe. Now, those dioceses were held by the same Bishop from the year 1605 to the year 1610; and with them was also united the bishopric of Clogher. It was proposed in the Bill to unite the diocess of Down and Connor with Dromore. Dromore had been formerly annexed to the diocess of Down and Connor from 1606 to 1611, and, subsequently, after the Restoration, from 1660 to 1667. It was proposed by the Bill to unite the diocess of Waterford and Lismore with Cashel and Emly. These dioceses had been united at two different periods, from the year 1552 to 1589, and from 1592 to 1607. It appeared, then, that, of the unions proposed to be established by the Bill, five had hitherto existed; and with that evidence before them, the expediency of the measure being once proved, their Lordships had a perfect right, without the infraction or contravention of any principle whatever, to pass a measure for the due regulation of the number of bishoprics in Ireland. He would contend, upon the evidence that he had produced, that they had full authority upon precedent, if they should so think fit, to reduce and consolidate the number of bishoprics in Ireland. It was indeed said, that the Union provided for the maintenance of the Irish Church, but he denied that the Article of the Union which was relied on stood the least in the way of the regulation proposed by the Bill. The right of the Legislature to interfere with the number of Bishops being proved, he came next to the question of the expediency of the reduction proposed. The question was, could ten Bishops be taken from the number now existing in Ireland without detriment to the interests of the Irish Established Church, or without detriment to the spiritual wants of those persons who were the objects of the care of that Church? In addressing himself to that part of the subject, he thought that in common with their Lordships he should derive some advantage from comparing the number of Bishops in England with the duties which they had to perform, with the number of Bishops in Ireland and the duties which they had to discharge. In England there were, in all, twenty-six, — namely, two Archbishops, and twenty-four Bishops. He would just state the number of benefices which were under their charge, as it was given in a return laid before the House of Commons in

1833, premising, that he believed it was rather short of the number that had been returned to the ecclesiastical commissioners. According to that return, the total number of benefices under the charge and superintendence of the Bishops in England was 10,533. A right reverend Prelate near him suggested, that they were upwards of 11,000, and he believed that such was the fact; but he would take the lowest estimate, in order that the comparison he was now instituting should be made to the greatest possible advantage of the Church of Ireland. There were twenty-two Bishops in Ireland, while the total number of Bishops in England, as he had already stated, was only twenty-six. Now, if they looked to the mere superficies of the two countries and to the number of benefices in each see, the disparity must be evident; but if they looked to the comparative amount of population to whose spiritual wants those Bishops had respectively to minister, the disparity between the number of Bishops in the two countries would be found to be still greater. The population of England, he believed, was about 12,000,000, and on a former occasion it had been stated, by a right reverend Prelate, that the members of the Established Church formed two-thirds, or 8,000,000.

The Bishop of *London:* They form three-fourths; indeed, I should say more than three-fourths, of the whole population of the country.

Earl *Grey* was inclined to concur in the statement of the right reverend Prelate, but he would, on the present occasion, and for the purposes of the argument he was adducing, take them at two-thirds, though he certainly believed that they at least amounted to three-fourths of the population of England. It appeared, then, that they had in England twenty-six Bishops, for administering a Church with 8,000,000 of persons. Now, in Ireland, there were twenty-two Bishops, and according to the last census of the population of Ireland, taken in 1831, the amount of the whole population of that country was 7,784,536, and he believed, that the total amount of the members of the Established Church in Ireland could not be fairly stated at more than 1,000,000 of persons. They had, therefore, in Ireland twenty-two Bishops to superintend the spiritual wants of 1,000,000, while in England twenty-six Bishops performed the same duty for a population of not less than 8,000,000, Then let them look at the respective number of benefices in the two countries. He had already stated, that the number of benefices in England under the care of those twenty-six Bishops was 10,000 and odd. The right reverend Prelate had stated (and no doubt he was correct in the statement), that there were upwards of 11,000. But the number of benefices in Ireland under the charge and superintendence of the twenty-two Bishops was 1,456, and if from that number they were to subtract such as were sinecures, and to which no cure of souls was attached, they would reduce the amount to 1,306. It appeared, then, that twenty-six Bishops in England were charged with the superintendence of about 11,000 benefices, while twenty-two Bishops in Ireland had under their charge only 1,456. Now, what was the proportion which the duties that devolved upon each Bishop in Ireland bore to the amount of duties with which each individual Bishop was charged in England? It appeared, from a comparison of the returns to which he had already referred, that while each Bishop in England had on the average to superintend 370,000 members of the Church, and 400 benefices, each Bishop in Ireland had only on an average 45,500 members of the Church, and sixty-six benefices to attend to. Notwithstanding this great disparity, he was sure it would not be said by any one, that the duties which devolved upon Bishops were better or more efficiently performed in the Church of Ireland than they were in the Church of England. If the number of Bishops in Ireland were reduced to the number proposed by the Bill, each Bishop there would have only 83,000 persons and 121 benefices to attend to, which was less than one-fourth of the amount of population that each Bishop in England had to superintend, and scarcely more than one-fourth of the benefices that were under his charge. Suppose even that the number of Bishops in Ireland should be reduced to four (he did not wish or propose a reduction to that extreme amount; but as this had been put forward as a strong objection to the measure, he would carry the comparison he was instituting between the two Churches to the extreme point) — suppose, he repeated, that the number of Bishops in Ireland was reduced to four, still there would be confined to the superintendence of each Bishop a smaller number of members of the Church, and of benefices, than was committed to the care of each Bishop in England. Each Bishop in Ireland would then

have 250,000 members of the Church, and 364 benefices to superintend. It could hardly, then, under such circumstances, be maintained, that twenty-two Bishops were necessary for administering to the spiritual wants of the members of the Church of Ireland; and he thought it would be equally impossible, in the face of such facts, to contend, that the number proposed by the Bill would be too small for the government of the Church of Ireland. He thought, consistently with the interests of the Church of Ireland, that it would not be necessary to retain more than twelve Bishops in that country. He had already compared the Established Church in this country with the Established Church in Ireland; but, if they would compare a particular see in England with the Church of Ireland, the disparity would appear to be still greater. The single see of Lincoln contained almost as many benefices as were to be found in the whole of Ireland. The number in Ireland was 1,456; and if from that number they took those to which no cure of souls was attached, the total would only amount as he had already mentioned, to 1,306. Now, in the diocese of Lincoln alone the number of benefices was 1,273, being within thirty-three of the whole number of benefices in Ireland. It would scarcely be said, that the number of Bishops in England was too small; he had never heard a complaint made to that effect. He was ready to admit, that the present arrangement of the dioceses in England might be improved, that arrangement might be amended, and that the dioceses might be better distributed in this country, so as to reduce the amount of labour where it was too great upon some Bishops, and to increase it where it was at present too small upon others. But he conceived, that twenty-six Bishops, if properly distributed, were amply sufficient to attend to the spiritual wants of the members of the Church in this country, and he had never heard it contended, that they were too few. He would say, then, that it was inexpedient to keep up such a number of Bishops in Ireland, the utility of which was not apparent; and when the utility of so many was not apparent, he would maintain, that it would be for the advantage and interest of the Church of Ireland that their number should be reduced. He thought, that without reducing the number of Bishops in Ireland below the amount that was necessary for attending to the spiritual wants of the members of the Church there, the Bill proposed to remove from the establishment in that country what had always been a reproach to it in the eyes of the people, and to do that which had been long called for by the most sincere friends of the Church of Ireland. He did not think, that the income of the Bishops in Ireland should be reduced, in any instance, below 4,000*l.* a-year, which was the minimum fixed by the Bill. The measure in that respect did not aim at perfect equality; at the same time he thought, that means should be taken to remove that immense disparity in value which was to be observed between different sees, not only in Ireland, but in England, and which was the cause of so much odium to the Church and of imputations being frequently cast upon the Bishops of both countries. Upon all the grounds he had enumerated, a reduction, which he considered a safe reduction, of the number of Bishops in Ireland, was proposed by the Bill, and it was further proposed, that the revenues arising from the sees that were to be so reduced should be applied to purposes connected with the Church, and which were specified in the measure now before their Lordships. He would next come to a much disputed part of this measure—he meant the tax which it proposed to impose upon all future incumbents of livings in Ireland. He was aware, that this was a part of the measure which had created a great sensation, and he was equally well aware, that very serious objections had been urged against that particular part of the measure. He understood the noble Duke opposite, to allude particularly to that part of the Bill when he spoke of the measure as one of spoliation. The point which their Lordships had to consider was, whether or not they were competent to entertain a proposition for diverting certain revenues of the Church of Ireland, without injury or injustice to that Church, from the purposes to which they were now applied, and applying them to other services connected with that Church. That their Lordships were competent to legislate upon such a point was by no means a new principle—it had been asserted and acted upon before. He did not mean to say, that he agreed with those who said, that all the property of the Church was public property, disposable to whatever purposes Parliament might think fit. He would not canvass that opinion at all on the present occasion, he would merely observe, that that question was not raised by the measure now before their Lordships. The Bill, without divert-

ing the revenues of the Church to any purposes that were not ecclesiastical, proposed to apply a portion of them to purposes which had long been contemplated by persons whose station and authority, when he should name them to the House, would show, that they were not likely to act under feelings or upon principles adverse to the interests of the Established Church in Ireland. He would beg, in the first place, to state, that in the year 1832 the evils of the Church-cess in Ireland were so strongly felt, and the dangers arising from it were so imminent, that at a meeting which was then held of the clergy of the diocese of Derry, a resolution was carried recommending the abolition of the Church-cess, and that provision should be made for it out of the Church funds, including a new valuation of the first-fruits. There was a proposition for imposing a tax upon the Church, and the noble Duke opposite had characterized the present measure as one of spoliation, because it acted upon a principle thus laid down by the clergy of the diocese of Derry. He was glad to see the noble Lord opposite (Lord Maryborough) in his place, as he was about to refer to matters some of which occurred when he was Secretary for Ireland. It was known, that several propositions had been made from time to time for establishing an extensive system of education in Ireland, and for providing means for supporting it. Their Lordships were aware, that by the 10th of Henry 8th it was provided, that every clergyman in Ireland, in charge of a benefice, should keep, or cause to be kept, a school in that benefice, defraying the cost out of his stipend. Their Lordships would observe, that there was no stipulation made as to the amount to be paid by the clergyman. Since the passing of that Statute every clergyman in Ireland, on his induction to abenefice, was obliged to take an oath that he would keep or cause to be kept a school in his parish, as prescribed by the Statute in question. Now, let them see how far that obligation had been complied with. In the year 1787 it was recommended from the Throne that some regular and comprehensive plan for the general improvement of education should be established in Ireland, and Mr. Orde, the then Secretary for Ireland, in proposing a measure with that view, stated, in his speech on that occasion, that since the passing of the 10th of Henry 8th scarcely any minister had complied with the terms of the Act, but that a contribution of 40*s.* from each minister towards the maintenance of a school had been uniformly considered by them as a compliance with the obligation imposed upon them by the oath they had taken. Mr. Orde then said, that taking 40*s.* as an amount to guide him, he would propose, that towards the maintenance of schools throughout the country, a contribution of 40*s.* should be levied on all livings not worth more than 150*l.* a-year., that upon all worth 200*l.* and not worth 300*l.* a-year, 3*l.* per annum should be imposed; and that 6*d.* in the 1*l.* should be levied on all livings with more than 300*l.* a-year. Here, then, was a direct proposition to tax the clergy. He would now refer their Lordships to the 14th Report of the Commissioners of the Board of Education in Ireland. It was made, he believed, in 1812. The Commissioners were the late Primate of Ireland, the Archbishop of Cashel, the Bishop of Killaloe, the Bishop of Ferns, and Mr. Leslie Foster, now one of the Barons of the Exchequer in Ireland. Their Lordships would not say, that those were persons likely to consent to a violation of the rights, or a spoliation of the property, of the Church. What did the Commissioners say? That, for the support of parochial schools in an adequate manner, it was impossible to look to the contributions of the clergy alone, notwithstanding that it was desirable their contributions should be paid with more regularity; however, the Commissioners thought it not unreasonable that the clergy should be rated towards the support of the schools to the extent of two per cent upon their incomes, the amount to be ascertained and determined by the Bishops. Here, then, was a direct proposal to impose a tax upon the incomes of the clergy for the general purposes of education, —a proposition which was made by individuals, neither unfriendly to, nor prejudiced against, the Church, but directly the reverse. In 1811 the noble Lord to whom he had just now alluded, introduced a Bill into the House of Commons on this subject, and in doing so referred to the last Report of the Commissioners of Education in Ireland, which gave an unfavourable account of the state of the parochial schools established under the Act of Elizabeth, and which the clergy were bound to keep up. 'It was a most important fact,' said the noble Lord, 'that up to this day, no 'clergyman could be inducted into a living 'in Ireland without taking an oath, that he 'would keep or cause to be kept a school 'within his parish; instead, however, of 'keeping a school, the usual course was

'for the clergyman to pay 40*s.* a-year to 'some person to keep a school, or put the 'money in his pocket, just as he pleased.'* Out of 1,120 parishes, 827 had sent Reports to the Board of Education, and of these only 361 had parochial schools. In 1809, the Commissioners stated in their Report, that in 736 benefices from which Reports had been sent in, there were 549 schools. In the latter instance the matter appeared to be so far upon a better footing, but the improvement was only in appearance. It appeared, that the schools were not well regulated. The noble Lord concluding his remarks, said —'That he had 'no hesitation, however, in saying, in this 'early stage of the business, that in con-'sidering how this matter was to be brought 'to bear, he should look to the oath taken 'by the Protestant clergymen; and see 'whether they ought not to a certain 'degree, to bear the expense of the Estab-'lishment.'† Here was a plain proposal to tax the clergy for a purpose not directly connected with the maintenance of the Church. In 1813, the noble Lord stated, that 'in presenting his Bill in 1811, he 'had looked to the parish schools as the 'foundation upon which a general system 'of education of the lower orders could be 'best erected,' and he then declared, that he thought the clergy should contribute a part of the funds which would be necessary. He was glad to find the principle on which he proposed to act, in some degree recognized by the Board of Education. In the Appendix to the 14th Report they recommended 2*s.* in the pound to be assessed on each clergyman for the support of the parish schools.‡ Here was a proposal to tax the clergy proceeding from a quarter perfectly clear from all suspicion of unfriendly or hostile feelings towards the Church. Further, he would quote a very high authority, Dr. Magee, late Archbishop of Dublin, who, on his examination before the Select Committee of 1825, distinctly admitted the reasonableness of the principle of rating clergymen to the extent of two per cent on their incomes for the support of parochial schools. The recommendation of the Commissioners of the Board of Education was mentioned to him, and he was asked if he concurred in it. His answer was —"I do." Here, then, were sanctions to the principle of that part of the measure, and with these sanctions to the principle of a rate or tax on the clergy for purposes conducive to the public interest in quite as great a degree as to the interest of the Church, he asked whether in proposing to substitute for the first fruits a different tax on the incomes of incumbents, he was fairly liable to be charged with an act of spoliation? But the soundness of the principle for which he contended would be still plainer when they considered what was the nature and origin of the first fruits. Their Lordships were well aware that the first fruits were originally a tax of one year's income (and was still supposed to be such) imposed on the incumbent's induction to a benefice, and which, by law, was payable by instalments in four years. Was this tax levied for church purposes? No such thing. It was first levied by the Pope for the maintenance of his temporal authority elsewhere. After the Reformation, the right to levy this tax was transferred to the Crown by an act of the Legislature, which according to Blackstone, considered the tax due to the King of England, inasmuch as he had become head of the Church instead of the Pope. Under this title the first fruits were held by the successors of Henry 8th, down to the period when it was converted exclusively to Church purposes, as "Queen Anne's bounty." Originally, then, the first fruits was a tax raised not for church purposes, but for temporal objects; and not until the period referred to, when it was very properly set aside for the augmentation of small livings, and the building of churches and glebe-houses, did the first fruits cease to be part of the revenue of the State, applicable to public purposes. The first fruits were granted by Queen Anne for the augmentation of small livings in England, and for the building of churches and glebe-houses in Ireland. The fund clearly arose from a tax on the clergy, and the new tax was proposed as a substitution for the first fruits. Noble Lords might say, that the first fruits were not susceptible of increase, while the present tax might be augmented, and might extend further than the first fruits. In England, certainly, the valuation of livings could not be increased, because it was specially provided by Act of Parliament that there should be no new valuation, but no such provision existed with respect to Ireland. Sir John Newport, to whose virtues and merits it was impossible for him to do adequate justice, whose long life had been devoted to the further-

* Hansard, vol. xx. p. 149.
† Hansard, vol. xx. p. 150.
‡ Hansard, vol. xxv. p. 267.

ance of the public good, who had never swerved from his duty, or been influenced by private or selfish motives, and who pursued every object he undertook with unwearied zeal and ability; that right hon. Baronet had frequently brought the subject of the first fruits before Parliament, and always contended that there was a right of revaluation, which might be effected by the King's commission. Considerable difference of opinion, however, existed on this subject. In 1822, on an application for a revaluation by Mr. Shaw Mason, one of the patentees of the office of clerk of the first fruits in Ireland, the subject was taken into consideration. Mr. Allen, a counsel of considerable eminence and authority, expressed an opinion decidedly favourable to a new valuation: it was true his noble friend behind him (Lord Plunkett), who was at that time Attorney General, and Mr. Joy, the Solicitor-General gave opinions the contrary way; but the opinion of the Solicitor General was expressly limited to the right of the patentee, and, as well as he recollected, it admitted the power of the Crown to direct a new valuation: his noble friend's opinion, he believed, was more doubtful on that point. The subject having been revived, the opinions of the present Attorney and Solicitor General were taken, and they were decidedly against the power of the Crown to issue a Commission for a new valuation, with this reserve, that although there existed no right to revalue benefices already valued, there was no pretence for saying a valuation might not be made of benefices which had never been valued. The number of benefices which had never been valued in Ireland was very considerable; and if they were to pay upon a valuation to be now made, while others paid only according to the valuation of Charles 1st, (the period of the last valuation), the effect would be to produce great inequality in the burthens supported by different benefices. Without setting himself against the high authorities on the other side, he must be permitted to say, that he thought there was a great deal of weight in the opinions which maintained the power of the Crown to effect a new valuation. But, however that might be, and although the Crown did not possess the power of issuing a commission for a new valuation (a point which he did not altogether admit), Parliament had an unquestionable right to pass an Act for a new valuation of benefices in Ireland, and the clergy would have no reason to complain of such an act as a violation of right or justice. If benefices were so revalued, he believed that the tax of first fruits would amount to within 1,000*l.* of the proposed graduated assessment to be levied under this Bill; but it would be much more inconvenient than the tax substituted for it, inasmuch as it must be paid by equal instalments during the first four years of incumbency, whereas this impost was spread over the whole period of incumbency. These were the grounds on which he thought that without the violation of any right, or the establishment of a dangerous precedent, such a tax might be imposed on the clergy, the effect of which would be to relieve the Church from the attacks of that hostile and discontented feeling, which was most prejudicial to its interests, to provide for many church purposes in a proper manner, and after all, in a mode which would not burthen the clergy to a greater extent than Parliament had a right to impose, and which would not much exceed the amount of the first fruits if duly and properly levied. He was afraid, that he had wearied their Lordships by the many details he had been obliged to introduce, but it was his wish to leave no part of the subject unexplained. The principal objects of the measure, as he had stated in the outset, were the abolition of Vestry-cess, the augmentation of small livings, and the abolition of first fruits. The means by which he proposed to carry those objects into effect were the sale of the perpetuities of Bishops' lands, the consolidation of the revenues of the Bishops, and a tax on incumbencies. The sum to be provided in order to effect the before-mentioned objects he calculated at 136,500*l.* per annum. The items of that charge were as follows:—Church-cess 60,000*l.*; augmentation of livings, 46,500*l.*; building churches 20,000*l.*; glebe-houses, 10,000*l.*: total, 136,500*l.* It could not be pretended that all the objects to be attained by this expenditure were not Church purposes. Church-cess embraced a variety of matters directly connected with the celebration of religious worship. The number of livings from 30*l.* to 200*l.* being 465, it was calculated that to raise them to the latter sum, the average augmentation would be 100*l.*, which gave a total of 46,500*l.* for the whole; 20,000*l.* would be devoted to building and repairing churches, estimated on the average of the last three years; and a sum of 10,000*l.* would be applied to the erection of glebe-houses—a very necessary

expenditure, inasmuch as not one-half of the benefices in Ireland were provided with glebes. Some additional expense would be incurred by the commission, but he trusted not much, and, the amount being uncertain, it had not been included in the estimate. To meet these expenses there would be the proceeds of a sale of the perpetuities of Bishops' leases, of the consolidation of the Bishops' incomes, and of the tax on incumbencies. The annual value of fines of all descriptions on Bishops' leases was estimated at 100,000*l.* This sum was calculated as one-fifth of the value of the beneficial interest of the tenant, which latter, therefore, amounted to 500,000*l.* Taking the perpetuity at two years' purchase, it probably might be sold for more; but as there was to be a deduction of four per cent, on the purchase money, he would cut off against this any value that might be obtained above the two years' purchase, which might therefore be taken as producing the net sum of 1,000,000*l.* The fund, therefore, to meet the charge before stated would be—

Interest of 1,000,000*l.* of the produce of perpetuities, taken at four per cent	£40,000
Produce of the suppressed Bishoprics	50,780
Tax on those which remained . .	4,600
Tax on incumbents . . .	41,800
Repayments for fifteen years . .	8,000
Immediate reduction on the Bishopric of Derry . . .	4,160
Future reduction on the same Bishopric	2,000
Future reduction of Armagh . .	4,500
Making in the whole	£155,840
Of this, however, there would be immediately available only, from the Bishopric of Waterford .	£4,000
Repayments . . .	8,000
Derry . . .	4,160
(This was to be available from the 1st of February, 1834)	
Making in the whole . .	£16,160

To this might be added whatever might be realized from the early sale of perpetuities. The rest would only accrue gradually as the tax took place, and as the suppressed sees fell in by the death of the present incumbents. When the whole of the funds destined to these purposes became available, there would be a small sum beyond the charges to be provided for. In the mean time the deficiency might, to a certain degree, be supplied by an advance of money to the Commissioners, on the security of the funds which would fall to their disposal. There would however, he supposed, be enough to meet the more pressing exigencies. From what he had stated he trusted it would appear to their Lordships that this tax on incumbents could not be considered as a violation of any right of those incumbents. All benefices under 300*l.* a-year would be exempt from this tax. That would reduce the number of taxed benefices to 694 out of 1,456; and as the tax was to be on a graduated scale it would not impose any grievous burthen on any of them. The great object was to raise the small livings to a scale which would afford the means of something like adequate payment to those who were the active labourers in the Church: it was on these grounds that he proposed this measure to their Lordships, not as an innovation on the rights of the Church, but for the sake of the Church itself. One great object was, to relieve the country from a tax which could not be continued without producing great excitement and irritation in Ireland. It should be considered that the Vestry-cess was levied by select bodies, exclusively Protestant, on a population which, in many parts of that country was exclusively Catholic. It was not a fixed tax, to be paid at the same rate every year, and to which men might get reconciled in time—it was a tax levied every Easter, and varied every year in amount, according to circumstances, over which the great mass of the payers (the Catholics) could exercise no control. At every fresh annual levy, therefore, there was created a new cause of discontent. He would ask, therefore, whether, in relieving the country from such a tax they were not doing a service to the Church itself, by withdrawing from it that odium which almost necessarily followed its collection? The application of the funds to be thus derived would be a benefit to the Church, when the objects of that application were considered. There was another source from which some addition to the fund he had named would be derived—that was from the suspended livings. To this he understood there were strong objections; the number of these in the returns was 144. It had been said, that there were many hundreds; but the fact was as he had stated it from the returns. Out of these 144 there were thirty to which the 117th clause of the Bill would not apply, as being lay-impropriations. There were twenty-six others which were either united with other parishes, or which had had divine service performed in them within the time mentioned in the Bill. There were, besides these twenty-two which were sinecure appointments, and to which were attached small portions of land, some of them

in other parishes. These altogether made seventy-eight, which, deducted from 144, would leave only sixty-six subject to that clause which he had just mentioned. There could be no injustice in applying the revenues of parishes in which Divine service never was performed, and in which, perhaps, not a single Protestant inhabitant was to be found, to the general funds for the objects stated in the Bill. That surely could not be called spoliation. All these funds were to be vested in a body of Commissioners for ecclesiastical purposes appointed under the Bill. Some objection had been made to the constitution of the Board of Commissioners. He would mention who they were. They were the Primate, the Lord Chancellor, the Archbishop of Dublin, the Lord Chief Justice of the Court of King's Bench, four Bishops, and three Commissioners to be added by the Crown. It was not, however, to be assumed, that these three Commissioners must necessarily be laymen. They might be laymen or Prelates; but even supposing they were to be laymen, he did hope that, abused as his Majesty's Ministers had been with respect to this Bill, taunted as they had been with recommending a violation of the King's Coronation Oath, they would not be suspected of recommending persons for appointment as members of this Board of Commissioners who would be disposed to use their power to the injury of the Church. The authority of the Board was defined by the Act. The Commissioners had authority to apply the funds, to authorize the building of churches, and the purchase of glebes, and to apply the funds for such other services as the Church-cess had been applied to. He could not see how it was in the power of the imagination of man to object to such a disposal of Church property, as not being for Church purposes. There were some other points of detail in the Bill, such as the provision for dividing parishes, which he would not then enter into, as a more fit occasion would occur in a future stage. He had touched upon the most important which had occurred to him, but if there were points which he had omitted, or which the remarks of noble Lords might suggest, he hoped he should be allowed the privilege usually granted by their Lordships to those who brought forward a measure of such importance as that which he now submitted, and that he might mention anything he had left unsaid in reply. Having said thus much, he would only add, that he submitted this measure as one which he firmly believed would strengthen and secure the Established Church. It was said, that the sanction of this measure would be a violation of his Majesty's Coronation Oath. On that point he differed from the right reverend Lord who urged it, but he would not enter into that discussion at present. He would wait until he heard some arguments to make out that case, and would take the opportunity of replying to them. There were other objections which he had heard named, for which he should also wait until he had heard them put forward in argument. The Bill which was now before their Lordships was not a new thought of Ministers: it was in perfect accordance with the principles on which they had declared they would act from the moment of their entrance into office. "It has been said by a noble Earl, on a former night, (the noble Earl continued) that he saw in this measure the symptom and consequence of that policy which had been acted upon on another occasion—alluding, as I presume, to the question of Parliamentary Reform. The principles on which that measure was proposed are well known—they were professed by the present servants of the Crown when they took the reins of Government. We came into power under the strong impression, or rather under the decided conviction, of the necessity of carrying Reform into execution—a necessity which, I believe, was felt and acknowledged by all, though many might and did disapprove of the extent to which Reform was carried. The necessity of some Reform was felt and acknowledged by almost everybody in the country, with the exception of the noble Duke opposite. Looking to the nature of the question itself, we thought that, if carried, it was eminently calculated to promote the liberties of the country, and to secure the best interests of the Constitution. It was taken up on a deliberate view of the circumstances of the times, and the necessity of meeting the opinion which universally prevailed, and of restoring the confidence of the people to a Legislature which had become an object of distrust and suspicion. Acting upon the same policy, we did not contemplate that measure as the limit of our Reform. We looked upon it rather as the means to an end, and we thought that any man must be mad who considered, that Parliamentary Reform having been carried, it would not be necessary to adopt other Reforms, in order to give satisfaction to the country, and security

to the Monarchy. In that spirit we have acted—that has been our policy, although it has been imputed to us by the noble Duke as dangerous. I do not deny the sincerity of that opinion, but I deny its soundness and its wisdom. We have come to a situation in which one of two principles of Government must prevail. We must either take the bold, hazardous, and as I think, fatal determination of suppressing all desire for Reform, by severe coercive measures; or we must comply with the spirit and feeling of the times, and endeavour to correct those abuses which have crept into the Constitution, and into the various institutions of the country. The first was a line of policy which every Government ought to repudiate, and we never could be parties to a system which must lead in the first instance to the establishment of another "Holy Alliance," to extinguish the spirit of liberty throughout Europe. It would be a vain and futile attempt, ending in a war of opinion, and perhaps, for a time, the destruction of the liberty and independence for the maintenance of which this country has made so many sacrifices. The other alternative, therefore, only was left to us; and we have endeavoured to bring forward those measures of Reform which have been submitted to your Lordships, and to the other House of Parliament, strictly, if I may use the word, upon Conservative principles—wishing to strengthen the Executive against the attacks of its enemies, and to secure the confidence of its friends—to remove what even its friends deplored, and to oppose those wild and extravagant projects which, while they promised peace and freedom, would end in despotism or anarchy. This is the line of policy we have adopted; we have pursued a straight and steady course, and having only the permanent good of our country at heart, we have thrown ourselves with confidence on the generosity of our countrymen. We have reformed where we thought Reform necessary; and we have exerted the powers of the law, and the extraordinary powers which Parliament intrusted to us, to suppress a spirit of insubordination and violence, and to protect the Constitution from the attacks directed against it. Upon that measure we rest the principle of to-night. The noble Duke certainly has a right to say, that it is a necessary consequence of our policy: it is part and parcel of our system, for the adoption of which the present Ministry came into office, and from which, as long as his Majesty honours them with his confidence, they will never depart. We feel ourselves bound in honour, in duty, and in conscience, from a sincere conviction of its propriety, to persevere in our course; and on this ground we introduce the Bill upon the Table. But I feel it more strongly in reference to the immediate question of Ireland, in consequence of the necessity—the unfortunate necessity—under which we found ourselves at the beginning of this Session, of proposing a law, which, we did not conceal from ourselves or from the public, was a measure of extreme severity—a departure from the spirit of the Constitution only to be justified in a case of extremity. Give me leave to add, that I never would have proposed it, unless I had intended to remove those causes of complaint and grounds of disturbance which rendered the Coercive Law necessary. God forbid, my Lords, that that law should become permanent, since its continuance can only be rendered expedient by the continuance of evils which ought to be remedied in the interval of tranquillity which it affords. I remember that on a former occasion, a noble Lord opposite alluded to the policy formerly pursued with regard to Ireland: he complained, and justly, of the alternation of severity and relaxation. Such, lamentably, has been the fact: while harsh and unconstitutional measures were adopted, the causes of complaint were allowed to remain: they were suffered to grow to a fearful height without any attempt at eradication. Under this accumulation of evil we have been called upon to act: we cannot be responsible for the misconduct and neglect of former Governments; and all we have attempted is the removal of the causes of disturbance and discontent. It is, therefore, our imperious and paramount duty, in the interval of peace afforded by the coercive and protecting measure, to make use of that tranquillity to remedy existing abuses, which, if not removed, as certainly as day succeeds to night, will re-produce the evils under which Ireland at present labours. We are anxious to avoid the alternation of severe and lax policy resorted to as occasion seemed to require, because there was no disposition to resort to any effectual and general Reform. We have been subjected to much obloquy—and in Ireland, where the people have been misguided and misinformed, we can hardly be surprised at it; but we have been reproached here also for our measures, though I am conscious that,

sooner or later, justice will be done not only to the intentions of Ministers, but to their measures of Reform, brought forward under difficulties to which, I believe, no former Government was ever exposed. The effect of the Coercive Law in Ireland has been immediate: it has produced peace and tranquillity there: only a single Proclamation has been issued under it, and not a single Court-martial has been assembled: we brought it forward with great reluctance, and only from a sense of duty arising out of an imperious and inevitable necessity. I have now only to thank your Lordships for the patience with which you have heard me. I trust I have explained our motives and objects clearly, and without using any expressions that can provoke a feeling of hostility. Much opposition I am prepared to meet; but it has been my wish, as indeed it is my duty, to discuss this important question with calmness, and I hope to witness among your Lordships that degree of forbearance which ought to belong to a deliberative assembly. Having said this, I will not trespass further upon the attention of the House; but humbly move that this Bill be read a second time.

The Earl of *Roden*, in rising to move an Amendment upon the proposition just submitted to the consideration of their Lordships, assured the House that, often as he had addressed it upon important subjects, he had never felt greater anxiety in addressing it than he did upon the present occasion. He would not follow the noble Earl through his various statements, but would confine himself to the particular points of objection to this measure, which he had found in the different petitions which he had himself presented upon this subject. These objections appeared to resolve themselves into three distinct classes. The first class related to the imposition of a tax on the clergy for benefits which were common to all. Now, the petitioners considered that to be unjust and partial, and to that objection he had not heard the noble Earl give any answer. The second class related to the destruction of ten Protestant Bishops. He had not heard the noble Earl give any explanation of the causes which led him to support that part of the measure, save his opinion that it was expedient to destroy that number. The last and most important class of objections related to the appointment of a commission of laymen and ecclesiastics, to regulate not only the temporal but also the spiritual concerns of the Church. To these three heads of objection he should, in the few remarks he was about to offer to their Lordships, beg leave to call their particular attention. The present question, with one exception, was a question involving more important interests, and more valuable principles, than any other question which had ever come before Parliament since he had had the honour of a seat in that House. It involved our safety as a nation, and our character as a people; and he trusted that their Lordships before they agreed to it, would consider all the consequences which were likely to result from it. He had heard the noble Earl that evening make a strong statement of his own attachment to the Protestant Establishment; he had likewise heard the noble Earl, on a former evening, make, on his own behalf, and on behalf of his colleagues in the Government, a declaration of their anxiety to spread the Protestant religion in Ireland; but he thought that it would require something more than the assertion of the noble Earl, and something more than the logic of his Majesty's Ministers, to convince the moral and religious part of the community that they were influenced by such views—that they were Protestants in principle and looked to Protestant objects, when they proposed a plan of Church Reform, which did not in any wise improve the discipline of the Church, or amend any of its institutions which from lapse of time stood in need of amendment. He had a well-matured conviction that a conspiracy had long been going on in Ireland against the Protestant Church Establishment. He was convinced more and more every day of the existence of that conspiracy, and he trusted that he should be able to show to the House that there were abundant grounds for coming to that melancholy conviction. He held in his hand at that moment a letter from an individual whom he knew to have been a correspondent of the noble Earl, with regard to the settlement of the plan of education for Ireland. Whether the same individual had been also his correspondent on the subject of Church Reform in Ireland he could not say; but that individual was the Roman Catholic Archbishop of Maronia, Dr. M'Hale. In August, 1831, that individual had published a letter, stating that the people of Ireland, leaving to the people of England their favourite Church Establishment, would petition the Reformed Parliament for the Repeal of the Established Church of Ireland. He declared his object to the noble Earl at the head of the

Government in an open and manly manner, and made two demands of him, to which he wished to call the notice of their Lordships. The first demand related to the abolition of the system of scriptural education adopted in the schools of the Kildare-street society. Here the noble Earl read an extract from Dr. M'Hale's letter, in which, speaking of the Kildare-street society, he said, that while these remnants of ancient intolerance were permitted to exist, the relief extended to the Catholics of Ireland would be a relief in name only—that emancipation would be but a mockery, and that the people would be insulted with the shadow of liberty, while the substance would be withheld from them. Speaking of the support to be given to, or withheld from, the Kildare-street Society, Dr. M'Hale said, "it was a question which would decide on the sincerity of Earl Grey's attachment to Ireland." Dr. M'Hale then proceeded to heap invective upon the Protestant Church Establishment, and particularly upon the episcopal members of it. In his examination before their Lordships, in 1828, this Catholic Bishop had said, that if emancipation were granted, he should look upon the Bishops and clergy of the Established Church as brethren labouring with him in the same vineyard. Yet, in this letter, he said that the people of Ireland looked, and ought to look, upon the Protestant Bishops as mere laymen. He called for their immediate downfall, and he said, that the poor would rejoice on finding the funds which the Bishops had so long wrung from them, restored to their proper owners; and he further added, that the Prelates of the Irish Church, if they were not called upon, like St. Martin of Tours, to part with half their robes, would certainly be called upon to part with half their superfluities. Now, here their Lordships had a Roman Catholic Bishop before them, who commenced by demanding the extinction of tithes; well, tithes were now extinguished: he had next demanded that scriptural education for the poor should be abolished; well, that too had been extinguished: he had then said, "from a Reformed Parliament we must demand the extinction of the Established Church;" and now a bill was brought into Parliament, and was proposed to be read a second time, in accordance with the prediction and the demand of that right reverend Catholic Archbishop. He did not say, that his Majesty's Ministers were privy to the conspiracy which he had just denounced, but he was afraid, that they were the dupes of those who were most deeply interested in carrying it on with success: for the measures which Dr. M'Hale had said, that he would take for the extinction of the Protestant Church of Ireland were the very measures which the noble Earl said, that he was now taking for its defence and preservation. He wished to call their Lordships' attention to the circumstance, that this Bill would destroy ten Protestant Bishops. These Bishops, however, were resident gentry in Ireland, watching over the best and dearest interests of its population, and spending the produce of their sees on the poor among whom they lived; and he maintained that, in a country like Ireland, where absenteeism was the great evil, it would be a most dangerous measure to get rid of ten Bishops, for no reason whatever, save that the noble Earl thought their destruction expedient. This Bill, he contended, was a boon to the Catholics. It was a hollow expedient, invented by incompetent politicians to meet the evils which their own misconduct had brought upon the country. He maintained, that this, and nothing else but this, was the object of this most destructive measure. The noble Earl had spoken of his affection for the Protestant Establishment in Ireland, yet he proposed to constitute a Board of Commissioners, appointed by the Crown, and removable by the Crown, to watch over the temporal and spiritual affairs of the Church. To that Board, powers were given which must be galling to every sincere Protestant. So far from taking a Protestant Minister from those benefices in which divine service had not been performed for the last three years, it was the duty of a Protestant Government to place Protestant pastors in those parishes where hitherto there had been none. So far from giving power to that Board to prevent a Protestant Minister from being placed in a parish, they ought to give that Board power to place a minister in every parish where there was but a single Protestant to hear the truth preached. He asked their Lordships what would be the case had this measure been passed in 1807? Since the year 1807, in the diocese of Cork and Ross, there had been sixteen churches built in parishes where there had been no place of worship, and no divine service performed for the three preceding years. That was the case in one diocese alone; but that was not all. He had that morning received a letter from a right reverend Prelate, whom he had not the pleasure of then seeing in his place, but

who would have attended in his place to oppose this Bill but for his advanced age—he alluded to the Bishop of Killala. The noble Earl read an extract from a letter from this right reverend Prelate, stating the anxiety which prevailed in his diocese for the erection of new churches, and the applications which he had forwarded to the Board of First Fruits for the erection of them. He was for his part prepared to contend, that it was the duty of a Protestant Government to take measures to establish the Protestant faith, and to increase the number of Protestants, not by force or injustice, but by having in every parish an individual qualified to preach the truth of the Gospel. It was not a Protestant principle that one religion was as good as another, and no Protestant Government ought to act upon such a principle. It was the belief of faithful Protestants, that their creed was the true creed, and it therefore became all such as aspired to the name to spread their faith as much as possible. It was the duty of the Government, therefore, if it felt a real attachment to the interests of Protestantism, not to cripple the Protestant Church Establishment, but to render it more efficient. Being himself a Protestant by profession, by oath, and by practice, he protested against the anti-Protestant measure proposed by the noble Earl, the provisions of which were most uncalled for, and most tyrannical. The Ministers of William the 3rd, made the most strenuous exertions to support the Protestant faith; the Ministers of William the 4th seemed exerting their utmost efforts for its suppression. He considered it to be an act of tyranny to arm a Commission with the power of saying, that in such and such a parish there should not be a resident Protestant Minister. He trusted, that before the measure passed into a law, the country would be made aware of the dangers likely to result from it, and that it would come forward, in co-operation with the Irish Protestants, with countless petitions against it. He was opposed to that Bill on principle, and not from any party feeling. He could lay his hand to his heart and say, that, as an honest man, he was opposed to this measure on conscientious motives, and not as a partisan. He begged, also, that it might be understood, that he was not opposed to all Reform in the Established Church of Ireland. The Protestant clergy of Ireland were no more opposed than he was to a sound and salutary system of Church Reform. He and they were friendly to every reform which would spiritualise that Church more and more. With regard to the Irish Protestant clergy, he would say, that they had suffered, and were indeed still suffering, great privations; but that did not deter them from the discharge of their duties—on the contrary, they acted as if they had but one object before them, and that object to labour more and more in their master's cause, and to uphold the truth of the Gospel. This, however, he must tell the House, that the Irish clergy, though they were not opposed to Reform, were opposed to destruction—were opposed to the suppression of truth—were opposed to a partial tax upon the Church, because it was unjust in principle—were opposed to the abolition of ten Protestant Bishops, because it would enable ten Catholic Bishops to occupy their palaces, and to stand forward on all those occasions in which the Protestant Bishops had hitherto demanded, received, and merited, the respect of the country; and they were opposed to the project of taking a Protestant minister from any parish, because they recollected that it was the mandate of their divine master, that the Gospel should be preached to every creature. These were their sentiments, and these, he was proud to state, were also his sentiments—and, acting under their influence, he felt himself bound to move as an Amendment, that this Bill be read a second time this day six months.

The Earl of *Wicklow* was anxious to take advantage of the earliest opportunity to state the grounds on which he meant to support the present Bill. In doing so, he could assure their Lordships, that he never felt more pain than on that occasion, because he should by supporting the Bill, in so far separate himself from those with whom he had hitherto acted, and who had proved themselves as anxious as possible, but, he would maintain, not more anxious than he was to promote the interests of the Protestant Church. He was pained, also, because he apprehended that his voting in opposition to those with whom he habitually voted might be considered as vacillation, or political unsteadiness, on his part. Such, he emphatically declared, was not the case. He would vote for this Bill, because he, in his conscience, believed that he should thereby promote the best interests of the Church of Ireland. He begged, however, that he might not be misunderstood, as agreeing in opinion with the framers and more eager abettors of that Bill. He denied, that there was

anything in the discipline or practice of the Church of Ireland which demanded the Bill as a remedy. He maintained, that the system of pluralities was not greater nor proportionally as great in Ireland, as in England, and he denied also that the abuses of non-residence were greater or as great in Ireland as in England. Let their Lordships consider the peculiar circumstances by which the Irish clergy were surrounded before they rashly pronounced on their merits. A more exemplary body could not be found, and though encompassed by bigotry, ignorance, and intolerance, they discharged their sacred functions, even at the hazard of great personal danger. He maintained also, that the Bill was not called for by what was termed "public clamour," which, indeed, was directed against the tithe system (not touched upon by the Bill) but not against those points which the Bill particularly involved, with the exception of the Church-cess. His noble friend (Lord Roden) therefore, was in error in alleging, that public clamour was more directed against the landed property of the Church than against any other species of landed property in Ireland; but if the Bill was not called for by public clamour, it certainly was demanded on other grounds, above all, by the present state of Ireland. It was impossible to view the peculiarly unfortunate state of that country, and assert that some such measure could longer be withheld. The question was not what produced that unfortunate state—he firmly believed that the Government was the chief cause—but whether it could be remedied without this or a similar measure. In his opinion it could not. He would ask them whether, after the emphatic manner in which the attention of Parliament was directed to the Irish Church by the King's speech at the opening of the Session, and still more, after the House of Commons had passed that Bill by a very overwhelming majority, it was possible to avoid consenting to the present Bill. He could not be taken to be a supporter of Ministers, because he meant to vote for their present measure. He conceived that every act of theirs bore upon it the stamp of revolution—the present no less than others; but he would for that very reason vote for the present Bill, because, if he did not, he might on a future occasion—like him with the books of the Sibyl—have to pay a higher price for less value. There were two features of the Bill to which he wished to direct their Lordships' attention; the first, was the distribution of the Church property; and the second, the consolidation of the bishoprics. He conceived the former would be extremely beneficial, particularly as far as it went to apply the Church funds to the bettering the condition of the inferior clergy—a benefit which no man, he took it, could question. With respect to the union of the bishoprics, he must say, that the noble Earl (Earl Grey) had clearly proved, that it was fully within the power of Parliament to effect such consolidation of the bishoprics as it might deem most advantageous to the general welfare. Parliament had done so before, and, of course, could effect such other consolidations as might be necessary; as far as that point was concerned, the only question which remained was the expediency of the proposed reduction. The noble Earl (Earl Grey) had shown, that the number of Bishops in Ireland had varied according to circumstances—that Parliament had first fixed thirty-two (one for each county) which number at one time was so low as eighteen, and was now but twenty-two. He was aware that some zealous friends of the Church had, in another place, contended, that it would have been right to have retained the present number of Bishops and at the same time to have reduced their salaries considerably below their present amount. He thought otherwise, and conceived the principle of Church property would be much less objectionably interfered with by the proposed reduction of the number. Several objections had been made to the Bill, which objections, in his opinion, were untenable. In the first place, it was said, that it would be a violation of the articles of the Union. Undoubtedly, if those articles were to be taken strictly to the letter, it would be so. But it was not the mere words of any Act, but its spirit, by which he ought to be governed. If the spirit of the articles of Union was to maintain the interest of the Established Church in Ireland, he felt that he was acting in conformity to that spirit when he adopted a course which he believed in his conscience would be most beneficial to the interests of that Church. Nor were the articles of the Act of Union more binding than the provisions of any other Act of Parliament. Whatever was beneficial to the public, it was the duty of the Legislature to adopt. If at some future period the articles of Union should become the subject of legislative consideration, and it should appear,

that the dissolution of the Union would be advantageous to both countries, the articles of Union ought to be held as mere cobwebs in that consideration. The Union ought to be maintained while its maintenance was conducive to the good of the United Empire, and no longer. There was one subject on which he begged to say a few words; he meant the Coronation Oath. It had been asked by some of the opponents of the Bill—"What! would you force your King to violate his Coronation oath?" Certainly not; but it was his decided opinion, that the Coronation oath could not interfere so as to prevent his Majesty from giving his sanction to any Bill which was calculated, in the opinion of his responsible advisers, to promote the interests of the Church. He would also observe, in answer to those who put the question, that the question of violation did not originate with the Parliament, but with the advisers of the Crown, who made the present measure a prominent feature of the King's speech. If, therefore, there was any violation of the Coronation Oath implied in the present Bill, Parliament was not guilty of it, as it had neither taken the Oath nor originated the measure. With the question, therefore, of the violation of the Coronation Oath, he (Lord Wicklow) had nothing to do. All that he had to do was, to take care and perform his duty as a Member of that House. It had been said, not there, but elsewhere, that the number of Bishops in Ireland ought to be kept up in a greater proportion to the number of people in Ireland than the number of Bishops in England to the number of people in England; because the duties of the Bishops in Ireland were greater than the duties of the Bishops in England, the latter having Archdeacons to perform many of those duties which the Irish Bishops performed themselves. If this objection were a valid one, it would be very easy to meet it, by imposing on the Deans and Archdeacons in Ireland the duties which were performed by the Deans and Archdeacons in England. It had also been objected, that the proportion of Irish Bishops to sit in Parliament under the reduced number of Bishops was too large, and that, thereby, too great a weight of duty would be thrown upon the Bishops who remained in Ireland. He must say, that he considered this rather an imprudent argument, for it must be recollected, that all the English Bishops sat in that House. If, therefore, the argument were a good one, what became of the duties of English Bishops? Out of the number of twelve Irish Bishops, he was certainly of opinion, that it was not too much to require that four should attend their duties in Parliament. With regard to the suggestions for reducing the income of the Bishops, rather than reducing the number of the Bishops, one strong reason with him for preferring the latter course to the former was, that it had been agreed to by a large majority of the House of Commons, and that any alteration upon that subject would be calculated to renew the agitation of a question which all must wish to see finally arranged. While, however, he gave his general approbation to this Bill, there were parts of it which he certainly desired to see altered. In the first place, he was sorry that a graduated system of taxation had been adopted with respect to the clergy. He thought it would be more just if, instead of such a graduated system, they were to establish a fixed scale of five per cent on all clerical income. Five per cent on the income of a clergyman would be precisely equivalent to the first-fruits of his living. By establishing a graduated scale in the taxation of the clergy, they would lay a foundation for the adoption of a graduated scale in the taxation of every other description of income; and he was convinced, that if it were established with reference to the clergy, it would be forced on his Majesty's Government with reference to every other class of the community. There was another change which he wished to see made in the Bill. He objected to the provision that the Government should have the nomination of the Ecclesiastical Commissioners. He admitted, that they ought to have the appointment of the lay Commissioners; but the Ecclesiastical Commissioners ought either to be taken in rotation, or to be elected by the Bench. There was still one other subject to which he begged to call their Lordships' attention. As a landed proprietor, he strongly objected to allow any part of the money resulting from the suppression of the Vestry-cess to remain in the pockets of the laity. To allow a sixpence so to remain, would be to establish a dangerous precedent. It was not the sum, which did not exceed 63,000*l.* a-year, but it was the principle, which he considered highly objectionable. He knew what would be the consequence if this objectionable part of the Bill were adopted. In the course of two or three Sessions, nay, probably early in the next Session of Parliament, it would be thrown

in the teeth of the landed proprietors of Ireland, and they would be told: "You supported the Bill for your own interest, and we now call upon you to disgorge your acquisitions." In his opinion it was a highly impolitic arrangement, and he hoped it would be altered in the Committee on the Bill. In having thus stated his opinions on the present measure, he had done that which, in his conscience, he believed it was his duty to do. On any occasion—and more especially with reference to Irish subjects—he never allowed party feeling to interfere with what he considered to be, the public good. He did not deny that, on general subjects, he entertained strong party feelings; but the state of Ireland was much too critical, and the interests at stake in that country were much too important, to justify the admission of party feeling in the consideration of any great political question connected with them. He had the satisfaction also of knowing, that, while on the present occasion he opposed those with whom he generally acted, they agreed with him in opinion, that this was not a party question—that it rested on its own merits—and that they ought to do that with respect to it, which appeared to them to be most conducive to the general interests.

The Bishop of *Durham* objected to the preamble of the Bill, which merely stated, in broad terms, that it was expedient to do so and so, without assigning any cause for the proceeding, or pointing out any benefit which was to be derived from it. Adverting to the subject of taxation, he confessed he could not see why it should be borne by the clergy alone, and why it should not be shared by the laity. He had strong objections to the constitution of this Ecclesiastical Commission; which, although composed of clergy and laity, was to have control of those spiritual affairs of the Church which ought to be confided to the care of the clergy exclusively. All former Commissions of this nature were confined to inquisitorial purposes, and had no reference to the spiritual affairs of the Church. The Board of First Fruits would be a much preferable body for the purpose. He was not sufficiently acquainted with the subject to know how the dioceses in Ireland had been united; but he did not believe, that any precedent existed for taking away the Sees from the Bishops in the manner proposed. If the present measure had originated in a convocation of the clergy, and if the provisions of it had been described by them as advantageous, it would have been a different thing. The declarations of the Bill, with respect to the property of the Church, might, at some future period, be applied to property of another description. For instance, it was merely stated, that the revenue of the bishopric of Derry was too large, and ought to be reduced. What would any of their Lordships say, if, at some future period, he should be told merely, that his revenue was too large, and ought to be reduced; he could not conceive on what principle of equity the measure proceeded; for it had always been held that Church property was as sacred as property of any other description. If the object of the Bill were to suppress Protestantism, and to raise Popery, no better means could have been adopted for the purpose. It appeared, in truth, to be a yielding to the clamours of Popery; and considering the rapid strides to power which, of late years, Popery had made in Ireland, he confessed that he thought it highly inexpedient to assist its efforts at dominion. The whole of this measure proceeded, and was founded on assumptions, not one of which had undergone any investigation or discussion. For instance, the first great assumption was, that the property of the Church was not similar to the private property of individuals, but belonged to the public. This was an assumption; he was not going to discuss it, but it was a debatable point, and a point which had not yet been debated; and yet this formed one of the main features of the Bill. The second assumption was the right of Parliament to distribute the property of the Church. He denied, that the Church could be considered in the light of a sole Coporation, or that its funds ought to be considered as a common fund, to be distributed amongst the ministers of the Church as Parliament might deem fit. The Church, so far from being a Corporation sole, was an aggregate Corporation, consisting of many Corporations sole, each constituent Corporation having its distinct rights and distinct property. There were many more assumptions in the Bill, with which he would not detain the House at present. He objected strongly to the interference of this Bill with the Church. It was termed the Irish Church Temporalities' Bill; but it affected its spiritualities as much as its temporalities. After the fullest consideration which he was able to bestow on the subject, he felt himself bound to vote for the Amendment. He did so with the purest and most un-

biassed motives, and he trusted the noble Earl would believe him when he said, that he did not oppose the Bill through any wish to oppose his Majesty's Government, but because he could not honestly and conscientiously pursue any other course. What must be the consequences of carrying such a measure no man could presume to say; for if this step were once conceded, it might not be in the power of Government to prevent it from being carried further. The result of former concessions proved this; for concession obtained by intimidation invariably led to fresh demands. And with regard to any difficulty respecting the violation of principles, there certainly could not be a much greater violation of principles than that contained in this Bill. He regarded this as a measure not only deeply affecting the interests of the Irish Church, but of England herself, and as tending to the immediate diminution of Protestantism, and the increase of Popery. He should, therefore, vote for the Amendment. Whether it would be possible to cut down the objectionable part in Committee, had it been deemed advisable to suffer the Bill to proceed to that stage, he thought very doubtful. For his own part, he should be unable to attend any Committee, as he was compelled to leave town very shortly; and he, therefore, embraced that early opportunity of expressing his sentiments upon so momentous a question.

The Earl of *Limerick* said, that he had the misfortune to be a Member of the House of Lords in Ireland at the period of the Union, when a noble and learned Lord had warned that House of the consequences of placing Ireland under a foreign legislature. They were told at that time, that Ireland would sacrifice her independence to England, and place her religion, her property, and her interests, entirely at the mercy of a foreign people. They were told, however, to trust to the honour and the generosity of England. They did trust; but he regretted to say, their expectations had been disappointed. Their property had been shaken, their religion subverted, all confidence between landlord and tenant destroyed, and the prosperity of the country put an end to. The Protestants of Ireland were told, as one great inducement for them to support the Union, that whereever they were before in the minority they would then become incorporated with, and part of the majority. But in what manner had they been treated? As the majority? Certainly not. Almost all the defences of Protestantism were swept away, and the Protestant boroughs, once the great bulwark of the Church, were now almost all in the hands of Catholics. He trusted that House would uphold and defend the Church. It seemed they were now told, that the Church of Ireland had too many Bishops. Why not at once say, that no Bishop was wanted at all, and that the Catholics were ready to take care of the souls of the people of Ireland. The stipulations made at the time of the Union had not been observed, nor had those at the period of granting Catholic Emancipation been complied with. The Catholics were exalted at the expense of the Protestants. Ministers had thrown Ireland into a state of great irritation, and now they were compelled to bring forward sweeping measures in order to satisfy the clamour which they had raised. This Bill, he supposed, was one of the sops to be given to Cerberus, but he doubted much whether it would be successful in stopping the monster's mouth. This he would say, that never was a measure of this kind less required, for the Church of Ireland was never in a more improved state than at present. He hoped that in the observations he had made, he had said nothing to produce irritation. To do so was far from his wish, and he could not conclude without bearing testimony to the very proper and forbearing manner in which the noble Earl had introduced the Bill to their Lordships' notice.

The Marquess of *Conyngham* said, that no man was more firmly attached to the Protestant Church than himself; but he considered the best mode of evincing that attachment was by endeavouring to remove those abuses which at present endangered its prosperity, and even its security. The noble Lord had called this Bill an act of injustice and spoliation—in his opinion it was an act of strict justice. The noble Lord had objected to the abolition of a certain number of Bishops. Now he thought if any reasonable man would only take into consideration the extent of services required of the Irish Bishops, he would at once admit that the Bill left quite enough to attend to the spiritual welfare of a Church mustering only 800,000 members. The labours of the Irish Bishops would be very light when compared to those of the English Prelates, and their resources would be sufficient for the maintenance of even splendid establishments. As to one provision of the Bill—that for the abolition of

Church cess, and also that for reducing the revenues of the see of Derry—he believed even the bitterest antagonist would agree in their justice. Nothing could be more impolitic or unjust—nothing could tend more to exasperate the already irritated people of Ireland—than to tax the Catholic population for the maintenance of places of worship which they never visited; or to wring from the hard hands of the industrious peasant, a portion of his earnings to swell the pomp and splendor of a Church from the doctrines of which he dissented, and with whose professors he had not one religious sympathy. It was singular that the extremes of both parties opposed this measure; a circumstance which alone ought strongly to recommend it to all moderate men. Some time since, that House had passed a Bill called the Coercion Bill, and certainly it was one of the strongest measures ever passed through that House. Surely, therefore, when the people of Ireland now came before their Lordships, with a Bill of relief from abuses which had provoked many of those disorders which rendered coercion necessary—a Bill which proposed to lop a few branches of the Church Temporalities, without injury, nay, even with advantage to the tree itself—surely the House would not now turn round, and say, "No, we have given you coercion, but we refuse to give you conciliation." As an Irishman, he most earnestly implored their Lordships to weigh well the consequences of refusing their assent to a Bill which had passed the other House by a great majority, and of which at least nine-tenths of the people of Ireland were in favour. As so many noble Lords wished to address the House, he would not delay them any longer. Indeed, he would not have troubled their Lordships at all, but for the great importance of the subject, and the deep interest which he felt in its satisfactory settlement.

The Earl of *Winchilsea* said, that after the violent and unconstitutional mode adopted by his Majesty's Government to force through that House a most revolutionary measure, by which the independence of the House was virtually destroyed, and its utility as a deliberative assembly put an end to, he had almost determined upon withdrawing himself from his place there. It was with the greatest reluctance that he had been induced to forego his resolution, and take his seat before the period arrived—as arrive, he doubted not, it shortly would—when their Lordships, by the justice and unanimous voice of their deluded countrymen, who were now beginning to awake to a sense of their delusion, would be replaced in that station, and in the full exercise of those powers, which legally and constitutionally belonged to them. Nevertheless, so important did he feel this question to be, that no inducement could prevail on him to absent himself from that House to-night, or refrain from taking that line of conduct which justice imperatively demanded. They were called on by the noble Earl at the head of the Government to give a rash and hasty consideration to this Bill, without any arguments being adduced to show the necessity of it, or to show that, if adopted, it would be for the benefit of the country. The noble Earl wished them to consent, by the present measure, to appropriate the property of the Church of Ireland, which had hitherto been deemed inviolable. That would be the result of the first branch of the Bill. The consequence of the other would be to affect the interests of that religion which the Sovereign of this country had taken an oath to preserve. He should take the liberty of calling their attention to the words of that Oath which their gracious Sovereign had taken. First, it was, that he would, to the utmost of his power, maintain the law of God, the true profession of the Gospel, and the Protestant Church as established by law; and, secondly, to maintain the Church of this realm and the clergy of the said Church, in possession of all the rights and privileges which should and did by law appertain to them. With respect to the first part of this Oath, the maintenance of the laws of God, and the true profession of the Gospel, he should not occupy their Lordships' time with an attempt to prove that which no honest man would attempt to deny—namely, that if this measure was in any degree opposed to the maintenance of those things which the Sovereign had sworn to support, it would be a direct violation of that Oath to consent to it; and he would not insult his gracious Sovereign by supposing, that if it were proved to his Majesty to have any such effect, his Majesty would hesitate to reject it at once, and to spurn from him those rash and daring men who had had the temerity to advise the adoption of such a measure. With respect to the second part of the Oath, he maintained, that those words which he had quoted went expressly to declare, that the King would protect the Protestant Church established by law from

any such attack as might be made on its property or privileges, part of which privileges consisted in the having a voice in the government of that Church. Having made this declaration of the view he took of the Coronation Oath, he was ready to admit, that there was nothing in that Oath which went to deprive the Crown of the power, with the consent of the Upper House of Convocation, to submit to Parliament such measures as would render that Church more efficient, or tend more widely to extend its spiritual influence. He should like to challenge the noble Earl at the head of the Government to show which of these principles the measure now before them did not violate, or to show the consent of the Upper House of Convocation to its introduction. The noble Earl had quoted cases of changes in Church property, and in Bishop's sees, but he had not shown that any of these had taken place without the consent of the Bishops and clergy being first obtained. There had been no instance of the kind since the Revolution. Even if their Lordships looked to the despotic times of Henry 8th, they would find, that before that great tyrant ventured upon committing the wholesale spoliation of the Church, which he commenced first on the smaller religious houses, he had thought it necessary to have the consent of the Archbishops, Priors, and Bishops, then forming the Upper House of Convocation; and that till he obtained that consent, he had not touched one particle of the Church property. That consent was obtained through giving to the clergy of that House promises and hopes that the interests of the Church would be preserved, and that the remaining property of the Church would not be touched. In corroboration of what he had advanced, he should read a few extracts from a history of the proceedings of the Church of that day. The noble Earl then read an extract, in which it was stated, that the monasteries could not be plausibly dissolved without the consent of the twenty-eight mitred Abbots, and the other clergy, forming the Upper House of Convocation. The inferior houses were branded with the guilt of various offences that might serve as an excuse for their punishment. It was strange that the Members of the Upper House of Convocation did not see that this proceeding would but be the precedent for the destruction of their own Houses. They learnt that when it was too late. They resembled the trees, in the tale of the Woodman, who, having lost the handle of his axe, requested, most piteously, that the trees would have the generosity to give him a small bit of wood. They were foolish enough to consent; he converted it into a handle for his axe, and in a short time the noblest trees of the forest felt the effects of their folly, for he left neither large nor small trees standing. He left the application of that fable to those noble Lords who were disposed to give credit to the strong professions of attachment to the Church on the part of those who proposed this measure, which went to the destruction of the ten Bishops, many Protestant livings, and considerable Church property. The Bill was entitled a Bill to alter and amend the Law relating to the Temporalities of the Church of Ireland. He only wished briefly to direct their attention to that clause by which the ten Bishops were to be abolished; and when they had looked at that, he wished them to say, whether they could honestly and conscientiously answer, that that clause did not directly affect the spiritual interest of that part of our Established Church. The 117th clause went to the extinction of livings where service had not been performed for three years previously. Now, considering the state of persecution under which the clergy had been suffering during that period—persecutions directed not merely against the property, but often attended with a melancholy and fatal loss of human life—it was clear that many benefices must have been deserted, and many livings must necessarily be extinguished. If the Ministers wished to devise a course which should operate as an encouragement to such things, could they have produced a measure more likely to produce the effect of the destruction of our fellow-countrymen in that part of the kingdom? The first consequence of this measure would be to excite the people to violence, that the clergy might be prevented from performing their duties; and then the next consequence would follow, that the livings would be extinguished. He had little more to say. Of all the questions which had come before their Lordships, this was by far the most important—none could, in that respect, be compared with it, whether as affecting the Protestant interests in one country, or the very Establishment itself in the other. He implored them, if they valued their Church—if, from bitter and past experience, they were convinced how fruitless it was to attempt to conciliate those who wished to destroy that Church—he implored them, by the

duty which they owed their country, and, above all, by the sacred duty they owed their God, to resist this measure, which tended directly to weaken that Protestant religion, which, he boldly maintained, was the groundwork of that character that distinguished this country above all others; which was the foundation of those blessings that flowed upon us from our God; and which was the only link of connexion between the two countries. If they weakened and destroyed that link, Ireland would be no longer united with this country. He repeated, that this was a question of the deepest importance, and though they might have once lost what was deeply valuable to them, their own independence, but which, he was sure, would soon dawn on them again, still the brightest gem of their character would be maintained if they did their duty honestly and fearlessly. If a fear of the consequences prevented them from a conscientious discharge of the duties they were called on to fulfil, they would lose that respect which they now obtained, and they would sink in the estimation of men whose good opinion was worth having, and, what was still worse, they would sink in their own esteem. The principles of this measure were opposed to the principles of the Constitution of this country, and were a direct violation of that sacred Oath which their Sovereign had taken. He trusted—he hoped in God—that on this night they would preserve at once their Constitution, and the sanctity of the Oath of their Sovereign.

The Marquess of *Clanricarde* felt so much the importance of the subject, that he thought it his duty to speak on it with temperance and moderation, and therefore he should not follow the noble Earl who had just sat down, either as to the tone he had adopted, or the discussion into which the noble Earl had wandered, respecting the Coronation Oath; the only object of which seemed to be to divert their attention from the real question before them. The right reverend Prelate who had spoken third had called this a Bill of spoliation, and had denied the right of the Legislature to interfere with Church property. Yet such an interference was by no means new in the history of this country. In the time of Edward 1st a tax had been laid on the property of the clergy, and paid without resistance or objection. Subsequent to that period numerous similar examples might be adduced, but the alterations made in the mode of their receiving and enjoying their property were too numerous for him to trespass upon their Lordships' time by any attempt to refer to them individually. The noble Earl opposite, who took up the same line of argument, had spoken of the conduct of Henry 8th in the terms which it deserved; but it should be at the same time remembered by the noble Earl, that if Henry 8th had not given the Reformed religion to this country, it would probably not now have been in existence here, and the noble Earl would not have had to stand forward as the champion of the inviolability of the property of the Reformed Church. It was needless, however, to go back to those times. He would, however, notice the Act of Uniformity, which stated, that if by a certain day the clergy did not adopt that Act, they should all be driven forth from their livings. Was not that an interference with the Church and its property, and an interference upon no ground of temporal expediency, but on the ground of religious principles? That Act, too, was passed without the consent of the Bishops. Yet, when they now talked of effecting a more fit and proper distribution of the Church property for a temporal purpose, having no reference to the doctrines taught, they were told, that they had no right whatever in any manner to interfere with it. Were they, then, to be told, that no circumstances, whatever, could justify any further alteration in the distribution of Church property? If they were, the principle went to this—that if there was not one Protestant in Ireland, the laws relating to the Church, like the laws of the Medes and Persians, were unchangeable, and the Church Establishment must still be kept up there. Would they say that to the people of Ireland? Would they tell the people of Ireland, that the property of the Church was beyond the power of the Imperial Parliament? Such was the effect of the argument of the noble Earl, who said, that the Church could not be taxed but by the Church, and not for the support of the Church. Why, the clergy alone were not the Church. The right reverend the Bench of Bishops would surely support him in that. He asserted, that the whole of England was the Church; and we (the people) were to have the advantage of it. If it performed its duty, and the people received benefit from it, then it fulfilled the object of the Establishment; if not, it should be made to do so. As to the time for the Reform of the Church, they had the authority of the right hon. Baronet,

which had been quoted by the noble Earl, for saying, that the time had now come to give the Church stability—that some alteration was necessary, so as to (such was his term) "spiritualize the Church." The right hon. Baronet, and the right reverend Prelate were on the same side; they belonged to the same party; yet one said, that the spiritualities, the other, that the temporalities of the Church were not to be meddled with. The great point now was, to consider how the pressure of the temporalities might be diminished. The people loudly complained of them, and the Bill proposed to remedy the evil. There were noble Lords who would not touch those temporalities now, because they had long been established. Yet, would any man say, that if he had now to propose for the first time, the establishment of a Church in Ireland, that he would provide an establishment of twenty-two Bishops? The number of Bishops required for the country was a matter of detail, depending on local knowledge; and if it was proved that the present number was too large, it ought to be reduced. Another great grievance was the Church and Vestry-cess. On that subject, the noble Earl at the head of the Government had spoken so warmly and truly, that he should not say more than that a rate to build and support Churches which were never entered by the people who paid it, must be felt by them as most oppressive. First Fruits had also been alluded to. He thought that that was a most important part of the subject, and if nothing had been done with it in this Bill, he should have made it the subject of a Motion. The Board of First Fruits in Ireland had not latterly done its duty. That was much felt in Ireland, and there were persons who were inclined to bring that matter before Parliament, independently of any general and Government measure. He certainly was of opinion, that the measure would further the interests of the Protestant religion. A reference had been made to the former policy of the English Government. What was the condition to which that former policy had reduced us? Why were we to adhere to it unless it could be distinctly shown to have been productive of advantage. A noble Lord had called the Pope, Cerberus—he had before called the lawyer so, but now he gave the name to the Pope, imagining, perhaps, that as the Pope had three Crowns, he must have three heads. But it was not shown that with all the wealth of the Church, Popery had decreased. Indeed, notwithstanding the great number of Bishops, it was said that Popery had increased in Ireland. He was not prepared to admit that. The Quakers had increased; the Dissenters from the Church of England had increased most enormously. He was glad they had. Some of them had lately come into that part of the country where his property lay, and he found them such fair men to deal with, that he wished there were many more of them. But he did not believe that Popery had increased; it had not, however, diminished. All the expensive and immense establishment had failed of its promised effect. They had tried to gain their point by the bribery of the people, but it failed. They had offered a bribe to the son, who, if he would desert the religious tenets of his father, might dispossess him of his property; but the day for continuing that was now gone by. They must now give religion fair play, which they had not hitherto done. If they had, Protestantism would have increased in Ireland. Let them look at all the rest of Europe, where such had been the effect in spite of much opposition, except, indeed, in Spain and Portugal. All the cumbrous and expensive machinery of the English Church had not done that in Ireland for the Protestant religion, which the religion had done for itself in the rest of Europe. The clergy of Ireland were meritorious men, but the system was odious; and, as the effect of the system attached itself to individuals, it made them odious. If they agreed to this measure they would not diminish the utility of the clergy by diminishing the oppression of the Church; and, looking to past experience, he should say, that the Church would then gain that support from the people of which it was now deficient. The character of the ministers of the Church was such as to give them authority and respect in the eyes of the nation. If that advantage were extended to the system, and if the ministers of the Church had a fair chance, the Church would reap the advantage of it; and that he was sure, would be the case if their Lordships redressed the grievances, and conferred on the people the boon which it was the object of this Bill to give them. He should only add, that the landlords of Ireland had been ill-treated in the attempt to confound tithes with rent; but the attempt was as vain as it was injurious—the people would not confound them. If this Bill were granted, the affections of

the people would be conciliated—they would be disappointed if it were not.

The Marquess of *Londonderry* felt some impatience to rise after what had been stated by the noble Marquess who spoke last, and, as an Irish landlord, and an Irishman, he must protest against the noble Marquess's sentiments. The noble Marquess had represented the people of Ireland as suitors for this Bill. Did he mean the Protestant gentry and landholders? Who, then, were the suitors for this Bill? Why the Catholics. It was in vain to deny that ever since the passing of the Catholic Bill, which was to be the panacea of the country, matters had become worse. It was equally in vain to deny, that the effect of this measure must be to make things even worse than before; and, if their Lordships passed this Bill, who would say what the Catholics might require next? He felt it impossible, when he observed all that had happened since the passing of the Reform Bill, to give his support to the present Bill. This measure, he was satisfied, would be the destruction of Protestantism in Ireland. He could not but remind their Lordships, that clause 147, as it had originally stood in the Bill, had been given up by the noble Earl, because he well knew it would never have passed this House, and the noble Earl had said, that the time was yet to arrive when it might be necessary to discuss how far the revenues of the Church were applicable to the services of the State. Was not the cloven foot shown there? Short-sighted, indeed, must be the man who could not see the course of policy designed by the noble Earl's Administration. The noble Earl had urged the disparity in the value of the sees in England and in Ireland, and after the arguments which the noble Earl opposite had advanced, he would ask the right reverend Bench if they thought the sees of England would be held sacred? The Irish Bench was by this Bill to be decimated; and he would tell the Bench of Bishops, that if there were any argument on which it were possible that he would vote for their expulsion from that House, it would be if they allowed themselves to be influenced either by the King or by his Ministers. He would tell their Lordships, that the country looked to the conduct of the House of Lords at this crisis. They had been told not to attempt to reject this Bill, because it would displace the Ministry, and no other Government could carry on the affairs of the country at present. Was that an argument which would induce their Lordships to accede to this measure contrary to their judgments? Good God! Was it to be supposed that no other Government could be found to carry on the affairs of the country. What had the present Government done for the country? Did not every one see that they had tampered with, or destroyed everyone of its institutions? Did not everyone see, that they had so complicated the business of the country, that it would take years to recover? That which they had urged as a blessing, had proved a curse; and the most glaring fact of all was, that their own friends were now the most hostile to them, and they were obliged to look to their enemies to extricate them from their difficulties. This, he must insist, was a true picture of the noble Earl's Administration. As the noble Earl had brought in the present Bill, he (the Marquess of Londonderry) would beg leave to ask him the same question which he had asked him when the Reform Bill was brought in—would the noble Earl ensure him against further concessions? Would he ensure him from Vote by Ballot, Annual Parliaments, and Universal Suffrage? Would the noble Earl say, that those demands would not follow from this measure. Let noble Lords look to what had happened in another place; and they would find that Motions had been made for the introduction of those changes; and he did not know but this measure might be the preliminary for such Motions in their Lordships' House. If, however, the noble Earl would state that the English Church should not follow the Irish Church in the measures proposed, that declaration would go far to obtain his consent to the present Bill. As he had no hope of obtaining any such assurance, as the Bill was, in his opinion, contrary to the Coronation Oath, and to the Act of Union, he would give it his decided opposition.

The Earl of *Gosford* was well acquainted with the north of Ireland, and he could affirm, that there was not one Protestant in that part of the country unbiassed by political feeling, but was favourable to a Reform in the Established Church of Ireland. He could say, that the most influential and respectable men in that country were inclined to think the Established Church, upheld as it was, as little better than a farce. He firmly believed, that, if the Protestants of Ireland (he did not mean the political Protestants) were allowed to use their judgment, they would declare in

favour of this measure. He knew that in the part of the country with which he was connected, every means were taken to rouse the passions of the Protestants, and to incapacitate them from judging for themselves, and to degrade the character of every person opposed to them. He lived much in that country, and he was fully aware of the seductive artifices made use of to gain the people over; and he believed that there would be no disturbances in Ireland, were it not that religion was rather made a political engine, by which to inflame the minds of the people, than a means for religious instruction. He viewed the asperity with which the present measure had been met with sorrow, and regretted, that the opinions of honest, deliberate, and conscientious men should not be allowed fair play and fully brought into discussion; for, without that, however he might respect the individuals, he could not respect the opinions that might be sent forth to the Legislature through such means. He was convinced, that if this measure should be carried into a law, it would be productive of peace, harmony, and good-will amongst all classes in Ireland—that one of the good effects of it would be, to shake off everything of a political character, that had so long adhered to and injured the Protestant religion in Ireland, to establish real religion and real Christianity there, and to put an end to those factions by which that country had been so long distracted and disgraced. He firmly believed, that the security of the Protestant establishment in Ireland could only be maintained by the adoption of some such measure as this. He would not say, that some of the details of the Bill might not be improved, but he would not depart from any of the principles contained in it. He thought there had been too much of that already. He did not mean to say, that there had been any departure from the great leading principles of the measure. He concluded by repeating his opinion, that the interests of the Protestant religion, and of the Protestant Church in Ireland, would be more permanently secured by the adoption of this measure than by continuing the existing system as regarded the Church in that country.

The Marquess of *Westmeath* said, there had not been a single petition presented from the Protestants of Ireland in favour of this measure. He, therefore, doubted the statement of his noble friend who had just spoken, that it would give satisfaction to any portion of the Protestants of Ireland. He thought that the infraction by the Bill of the articles of Union was the just ground whereon to rest the Amendment. He viewed this measure as a complete violation of those articles. He did not deny the competency of Parliament to deal with the property of the Church but when a measure was proposed like the present, that went to the demolition of that property, if words or language had any meaning, he would say that the articles of Union stood in the way of the adoption of such a measure. If the Act of Union was in this way to be violated, to be treated like an old almanack, the whole body of repealers might come in. He could not understand how any one that was practically acquainted with Ireland, could say, that a measure like this would not be dangerous to the Protestant Church in that country. The lower classes of the Catholic population in the west and south of Ireland, he was sorry to say, were in a state of extreme ignorance—they were also bigoted enemies of the Protestant religion, and should such a measure as this be passed, it would incite them to begin what they would consider the good work of putting an end to the Protestant establishment in that country. He had not heard a single reason or argument from the noble Earl in support of the measure, except the argument of expediency. The noble Earl had talked of the discontent that existed in Ireland. It was altogether confined to political objects. The Catholics in Ireland only raised a cry against the tithes, that they might get them for their own clergy. In the reign of James 2nd, the Catholic Parliament which assembled in Dublin (he knew the fact, for an ancestor of his own sat in that Parliament) appropriated the whole of the revenues of the Church of Ireland to themselves. The noble Marquess, after observing that he sometimes sat on that (the Opposition) and sometimes on the other side of the House, and ought, therefore, to be considered impartial, he proceeded to read extracts from speeches made by Mr. O'Connell, to show that the Catholics of Ireland, in seeking for the abolition of tithes, only sought to get them for themselves. The noble Marquess also read an extract from Mr. Jacobs's Travels in Spain, relative to the collection of tithes in that country, which described them as rigorously exacted and extended to every description of agricultural produce. From the severity with

which tithes were enforced in Spain, he inferred that the Catholics of Ireland had no innate objection to the tithe system, but they wanted the tithes for their own clergy. He had no prejudices against the Catholics. He had come from a Catholic stock himself, and as long as the Catholics suffered under disabilities in contravention of the treaty of Limerick, he did what he could to assist them, but he went no further. He was now sure that there was a conspiracy formed to cut the ground from under every Protestant in Ireland, and he was determined to take his stand against it. The noble Marquess referred to the speech of Dr. Dromgoole at the Catholic Board some years ago, and to several recent speeches of Mr. O'Connell, to show the feelings entertained by the Catholics of Ireland, with regard to the Protestant Church in that country. If he had all the Irish papers there, he should be able to show their Lordships that the Catholics, in all their meetings and discussions, had evinced a determined hostility to the Irish Protestant establishment. He objected to the amalgamation of the diocess of Elphin with the diocess of Kilmore. The present Bishop of Kilmore was a very old man, and if the Bishop of Elphin should die before him, how could he attend to the duties of such a distant diocess? He would have to travel thirty Irish miles to the Shannon, which separated the two dioceses. He would ask his noble friend opposite to tell them how could the Bishop cross the Shannon? If he did cross it, he would find very bad roads and bad means of travelling in that part of the country, and where, he would ask, could the Bishop put up at night? If the other cases of unions of bishoprics were attended with similar circumstances, they would be most objectionable. If their Lordships passed that Bill it would drive all the Protestants that could flee, to Canada or elsewhere, out of Ireland.

The Bishop of *Rochester* opposed the Bill: he objected to the clergy being called on apart from the rest of the community to pay for the repairs &c. of Churches. It would be quite as reasonable to ask the Lord Chancellor and the judges to rebuild Westminster-hall, if it happened to be burnt down. The noble Earl who moved the second reading of the Bill, stated, that bishoprics had been suppressed or united with other sees by former acts of the Legislature; but that was done under circumstances widely different from the present, and with the consent of the Church. There was nothing in the preamble of the Bill stating the necessity of a reduction in the number of the Irish sees, and the noble Earl had not established the expediency of abolishing them. From the moment the clerk at the Table should, in reference to this Bill, here pronounce the words "le Roi le veut," his Majesty would have publicly violated the engagements of the Coronation Oath. The noble Earl on the other side had last year stated, that without the assistance of the clergy neither the resident nobility and gentry, nor the magistracy and civil force, could have succeeded in repressing disturbance in Ireland. He trusted that, even if this measure became law, the clergy would evince their Christian feeling by persisting in well doing, although doubtless they might be held excusable for taking less interest in the public welfare under a state of things by which they were oppressed, and deprived of their just rights and privileges. Besides, it must be borne in mind, that the power of the clergy to promote the public peace would be lessened by a measure which deprived them of the ability to interfere with effect, or even to protect themselves.

The debate, on the Motion of the Bishop of Exeter, was adjourned.

HOUSE OF COMMONS,

Wednesday, July 17, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. CHRISTOPHER FITZSIMON, a Return of the Amount of County Cess, and House Tax, levied during the last six years, under 31st George 3rd, cap. 36, within the Baronies of Upper Cross, and Newcastle, County of Dublin, and how the Money was applied.—On the Motion of Mr. WARBURTON, Copies of Letters and Papers relating to the Deccan Prize Money.—On the Motion of Sir JOHN WALSH, the Amount of Money raised in the several Parishes of Scotland, for the Relief of the Poor in 1832.—On the Motion of Mr. HUME, an Account of the Public Income and Expenditure of the United Kingdom, from 1793 to 1833.—On the Motion of Mr. SULLIVAN, an Account of the Charter and other Circumstances of the Corporation of Kilkenny.

Bills. Read a second time:—Dean Forest; Prisoners' Counsel.

Petitions presented. By the Earl of DARLINGTON, from the Clergy of Salop, against the Tithes Commutation Bill.—By Mr. METHUEN, Mr. SHAWE, and Mr. E. ROMILLY, from several Places,—against the Rating of Tenements Bill.—By Sir JOHN MAXWELL, from Paisley, against the Bankrupts (Scotland) Bill; from the Medical Practitioners of Paisley, in favour of the Apothecaries Bill.—By Mr. COLLIER, from several Places, against Slavery; and from the Owners of Fishing Vessels at Plymouth, for Relief and Protection.—By Sir HYDE PARKER, from Bury St. Edmund's, for Triennial Parliaments; from Lakenheath, against the Malt Tax.—By Mr. H. B. CURTEIS, from several Places; and Mr. TYRREL, from Sudbury, against the Tithe Commutation Bill.

CASE OF CAPTAIN ATCHISON.] Mr. *Plumptre* presented a petition from Thomas Atchison, formerly a captain in the artillery, stating that he had entered the Royal Artillery in 1804, and discharged his duty with an unblemished character; that he was discharging his military duties at Malta, in 1823, when he received, through the military authorities, a requisition of the Roman Catholic Church to toll a bell and fire from *patteraroes*, used by the churches and monasteries, a description of salute peculiar to the worship of the Host at mass, and the processions of the images of the tutelar saints, under the directions and signals of the priests conducting the worship; that he was engaged to serve his Majesty under the obligations of a Protestant oath and worship, enjoined on the acceptance of his Commission, which oath denounced these ceremonies as idolatrous; that the petitioner addressed a letter to his commanding officer, respectfully stating his objections to carry these religious ceremonies into effect; and that the consequence was, that the duty was performed by the garrison gunner, without any censure being passed upon the petitioner, either by the commanding officer or the lieutenant-governor of Malta; but that, after a lapse of eight months, he was brought to trial on a charge of disobedience, in not carrying into effect an order to fire signals at Fort Angelo, and for writing a letter to his commanding officer of remonstrance, and that, on this charge, he was dismissed the service. The petition prayed the House to adopt means for investigating the transaction, in order to obtain a revision of the sentence. The hon. Member then read the testimonials of Lieutenant-General Burton, Major-General Salmon, Lieutenant-Colonel Desbrisay, Major Adams, and Colonel F. Rey, showing that the petitioner was a man of unblemished character, and a very useful and meritorious officer in the service; and proceeded to say, that he (Mr. Plumptre) was the last man in that House to use harsh terms, or encourage insubordination or disobedience to orders; but he must say, he thought it the most unjust and cruel case that had ever come before the public. For twelve weeks the case had remained before the authorities in this country, and it was eight months after the imputed offence that this conscientious man, and, he was warranted in believing, good soldier, was brought to a Court-martial and dismissed. The hon. Member contended, that there was no breach of military orders. It was grossly unjust, and was a case of the greatest cruelty, not a whisper having ever been heard against the petitioner's character; yet for this act he had been degraded and dismissed from his Majesty's service, after having spent the best years of his life in it, and, instead of now enjoying a competency, he was compelled to seek his bread where he could. He could appeal to the hon. and learned member for Dublin (Mr. O'Connell), whether soldiers professing the Roman Catholic religion were not exempted from taking part in Protestant ceremonies; and even Dissenters were not obliged to attend the Established Church ceremonies. He begged to observe, that he had given notice to the right hon. Gentleman, the Secretary at War (Mr. Ellice), that he intended to present the petition.

Mr. *O'Connell* said, he heartily concurred in the prayer of the petition. It was incumbent on the House to call upon the Government to give the petitioner redress by reinstating him in his former rank. Having himself always contended for freedom of religious opinions, he was anxious that all British subjects should have the same freedom. He concurred with the hon. Member, that the ceremonies in question were purely religious ceremonies, and could not be termed military duties. They were such that no sincere Protestant could participate in them, unless he acted as a renegade to his own religion. He respected the gentleman the more for his resistance—his very respectful resistance—to the orders, even at great risk to himself. He thought it but a compliment due to the Government to mention that regulations were made by which the Roman Catholics were left to the free exercise of their religion; and he would mention an instance. A drummer of the Galway militia refused, when ordered to go to hear Divine worship at the Protestant Church of Rathkeale, and he was ordered into custody to be tried by a Court-martial; he (Mr. O'Connell) applied to the Court of King's Bench for a *habeas corpus*, and that Court held, that the man had committed no offence, and discharged him. He would say, that the case of Captain Atchison was much stronger than that case—for he did not refuse, but respectfully remonstrated. As to the navy, the same liberality was extended. Within

the last ten days a Roman Catholic sailor complained to him (Mr. O'Connell) that he had been improperly interfered with in regard to his religion. He waited on the First Lord of the Admiralty, and the grievance was instantly removed. He hoped, therefore, that the petitioner, who had a very strong case, would receive proper consideration. He could conceive the feeling of a Protestant in being required to take part in a ceremony so repugnant to his own religious opinions, and so opposite to his own religious principles, that the Protestant designated it as idolatrous. It was a subject of the deepest importance. It could not be supposed, that because Captain Atchison refused to take part in those ceremonies, he would fear the less to face the enemy. In all the relations of the army the principle of honour was exceedingly fine; but give him the conscientious Christian, who carried into effect, with the most minute detail, the principle of "Do to others as you would that they should do unto you." He hoped the hon. Member would give notice of a Motion for the production of the minutes of evidence taken before the Court-martial, and then he hoped the House would unanimously address his Majesty to restore Captain Atchison to his rank. He respected the freedom of conscience, and he was glad they were going to give freedom to the Jews; but while they were doing that, they should not turn their backs on their fellow-Christians, and wholly disregard their feelings.

The Earl of *Darlington* said, that undoubtedly the whole case would rest on the minutes of the Court-martial with regard to this individual; but he thought that the hon. member for Dublin rather misconceived the case in speaking of a military duty, because this he would say, although no man, of course, would wish to interfere with a man's religious scruples, that every man who was a military man was bound to obey the orders given to him, let those orders be what they might—["*No, no.*"] He begged pardon; he spoke as a military man, and he would still say it was his duty to obey the orders of the superior officer. It was perfectly true a man might receive an order which his superior officer was not justified in giving, but it was the man's duty to obey that order in the first instance, and afterwards to obtain redress. Much stress had been laid on this being a religious ceremony, but he thought, from the facts which had been stated, that it was a military duty he had been ordered to perform. Any military man who was ordered to fire a salute, or to perform any duty in his military capacity, whatever the nature of that duty might be, was bound to perform it; and if he refused, he would be liable, and ought, of course, to be brought before a proper tribunal to judge whether he had acted correctly or incorrectly in so refusing. If he had acted correctly he might find redress. Every body knew that by the articles of war, an individual, inferior in rank, might bring his superior officer before a Court-martial, and that if he failed in establishing the charge he was punished. He hoped the Judge Advocate would give some reason for his absence, as unquestionably it was his duty to have attended, especially after notice had been given to him. The noble Lord, the Secretary for Foreign Affairs, was the Secretary at War at that time, and perhaps he could more satisfactorily answer this case.

Sir *Charles Burrell* thought, that every thing had been stated which was consistent with humanity and truth. He was satisfied this individual never did refuse—that, on the contrary, he only remonstrated, and that too in a respectful and proper manner. Under all the circumstances of the case, he felt it was consistent with justice and the duty of Parliament, to give this petition the greatest possible attention.

Sir *Robert Inglis* said, he considered the subject before the House as of great importance; his noble friend had, however, advanced one proposition which he (Sir Robert Inglis) must be permitted to qualify. His noble friend (Lord Darlington) had said that it was the duty of a military man to obey every command of his military superior. The necessary qualification was, that it should be a lawful and a military command: not one unlawful in itself, or unmilitary in respect to the parties. It was true that discipline must be preserved; and it was highly inexpedient to make a practice of bringing military grievances before that House, principally because it would tend to take the command of the army from the Crown, where the Constitution placed it, but in some degree also because, if the business of every department gravitated to that House, Members would have no time for the discharge of their peculiar and exclusive duties. This was, however, a

new and remarkable case. The question here was whether the act condemned was disobedience to a lawful military command? He was prepared to deny it. He had but one doubt as to the propriety of discussing the matter, and that originated in the absence of his Majesty's Ministers, and particularly of the Judge Advocate; but as to him due notice had been given of the intention of the hon. member for East Kent to present the petition that night he abandoned that doubt. On taking the subject into consideration, it ought to be kept in mind, that when Malta was ceded to us, a special reservation was made, that all the religious rites of the inhabitants should be maintained and the Roman Catholic religion preserved entire. It was, therefore, evidently the intention of Government to give all possible protection to the national religion. Whether it were right to take the island on such terms was not now the question; but having assented to that stipulation, it became as necessary to maintain the Roman Catholic Church at Malta as to support the Church of England in the United Kingdom. Perhaps Government were right in wishing to give splendour to the ceremonials of the Roman Church there, but why was a British officer required to take part in them? Nothing could justify that. The British officer, as a Protestant, had as good a right to have his scruples considered as the Maltese, and toleration required as much, that he should not be compelled to take a part in a Roman Catholic pageant, as that the Maltese should have liberty to adhere to their religious creed. The duty that had been expected from Mr. Atchison in Malta was non-military, as was proved by the fact, that from the moment when the Marquess of Hastings became Governor of the island, at the very time that Mr. Atchison was undergoing his trial, the military had been released from a participation in such ceremonies. He complimented the hon. Gentleman on the manner in which he had brought the matter forward, and was pleased, that no ulterior proceedings had been announced, as he was confident, that the feeling of the House would make any further steps unnecessary, and that an act of duty, though tardy in its operation, would eventually be done to the petitioner, from whom justice had long been withheld.

Mr. *Sheil* said, that he for one could not agree to the position that all the rights of a British subject were merged in the soldier, and that an officer in his Majesty's service was not entitled to consider whether a military order was an outrage to his conscience. It was deplorable, that none of his Majesty's Ministers, although notice had been given of this petition, were present; and it was the more to be lamented, inasmuch as the King had twice intimated to Captain Atchison, through Sir Herbert Taylor, a strong solicitude for his case. Twice had his Majesty expressed his anxiety, and yet at the Horse Guards nothing had been done. It was time for the House to interpose. There was not a man in the House, who had the slightest regard for the rights of conscience, who did not feel for this unfortunate gentleman equal respect and commiseration. He had been twenty years in the service, and was then, by an arbitrary mandate, committed to destruction, and turned from his profession in helplessness upon the world. For what? Had he been ordered to mount the breach he would have offered up his life with a chivalrous devotion, but of his conscience he had too much moral valour to make the degrading immolation. The case stood thus: orders were given by the authorities that a salute should be fired in honour of the Host. These orders originated with the Catholic Church, and were conveyed through the military authorities. There could be no doubt that this was a religious ceremony. Was Captain Atchison bound to obey it? The Catholic soldier is exempted from the necessity of attending Protestant worship; and where is the Roman Catholic who would not extend to others that privilege on which he sets so high an appreciation? It is notorious to every man who has ever read the history of the early persecutions that the Christians underwent martyrdom, not on account of the profession of particular tenets, but because they would not assist in the rites employed in the Roman temples, and connected with the religion of the State. The martyrology of the early Church was pregnant with these illustrious examples. Let it be observed too that the honour paid to the Host touches the very point on which Catholics and Protestants differ, and Captain Atchison was justified in feeling that an implied recognition of the eucharist was exacted from him. But, after all, he did not disobey orders. He sent an expostulation

to his commanding officer, and that gentleman, instead of repeating the command, directed the gunner of the regiment to go through the ceremony. Surely our Government might have allowed the matter to rest. It might have been permitted to pass in oblivion; but, instead of taking this wise course—instead of making allowance for conscientious scruples, this unfortunate gentleman was, eight months after, dismissed the service. This ought not to have been, and the House was bound to procure him redress. There was but one feeling in his cause, and those who themselves had once suffered privation for a conscientious adherence to their opinions felt the most earnest and the most strenuous anxiety in his behalf. What! after twenty years of service, after having conducted himself in the most exemplary manner, and won the approbation of all those with whom he was ever connected in his profession, was this gentleman to be given up to ruin, and should not this House, and the people whom it represented, interpose? Reparation must be made him, and although that reparation be tardy, it should be complete.

Colonel *Evans* felt extremely glad that the petition had been presented by the hon. Member opposite. It was quite clear, that this was not a party question, and that no party feelings existed in the case. In his opinion, if ever there was a time when the absence of Ministers was more commendable than another, it was the present, because it looked as if they felt convinced they had no answer to give to this case. With respect to the noble Lord, he had certainly showed that he professed in a high degree courage which was essential to the military character; for in his (Colonel Evans's) opinion it would require no small degree of courage to be the only man in that House who would declare himself opposed to the petition which had been presented. He must, however, protest against the military doctrine which that noble Lord laid down. In the first place he had understood him to state that a soldier was bound to obey any order. With that observation he could not agree; nor did he believe it was required by the articles of war, strict and despotic as they were. He considered the case now under consideration as a melancholy proof of the want of confidence in past Parliaments, otherwise it would surely have been brought forward before, several having elapsed since the petitioner had been tried and placed in his present unfortunate situation. In his opinion the case was one of arbitrary, capricious, and unjustifiable exercise of authority. He admitted that during war it was advantageous that the most arbitrary power should be given to the Commander in Chief for the purpose of maintaining discipline, and regretted that greater powers were not given, such as conferring rank and station on persons who had distinguished themselves, but the case was very different in times of peace, and a very different rule should be applied. He doubted very much the legality of the proceeding, as he did not find that the petitioner had disobeyed any orders that had been given, but had merely stated his religious scruples, which his superior officer bowed to.

The Earl of *Darlington* explained: he had not stated that he did not concur with the prayer of the petition. All that he had said was, that he knew nothing of the transaction, and therefore could not enter into the merits or demerits of the case. He was still of opinion, notwithstanding all that had been said, that subordinate officers were bound to perform the orders of their superiors, even though it might interfere with their religious sentiments.

Mr. *Finn* said, that no power on earth should dictate what his religious sentiments should be, and he could not but admire the man who firmly expressed his determination not to act against his religious scruples.

Colonel *Leith Hay* thought this purely a military question, and having nothing whatever to do with religious feelings. The question with him was not what the orders were, but whether they had been disobeyed or not. Upon that principle it was, that Captain Atchison had been tried, and judged not to be a fit person to remain any longer in his Majesty's service. He believed that Captain Atchison had acted from a mistaken conscientious view, but he could not think that exonerated him from performing duties which he was ordered to perform. As to the statement, that no officers of a different persuasion were required to act in Catholic religious ceremonies, he must state, that he recollected the Duke of Wellington assisting in those ceremonies in Salamanca.

Mr. *Methuen* explained, that the ab-

sence of the learned Judge Advocate was on account of the melancholy duty of attending the funeral of a friend. He regretted the absence of Ministers, and recommended his hon. friend to follow the advice of the hon. and learned member for Dublin, and move for the minutes of the Court-martial.

Sir *Edward Knatchbull* did not admit the justice of the excuse which had been made for the absence of the Judge Advocate, as his hon. friend would have brought forward the petition on some other day. He entirely and fully acquiesced in what had been said on the subject of Captain Atchison, supposing that the Court-martial could have come to no other decision. There was a higher tribunal, which ought to have reviewed the sentence with great consideration. Sir Robert Wilson, who was, perhaps, necessarily punished, was not for ever excluded from the honours of his profession. He thought the House was bound to follow up the case till justice was obtained, and he trusted that the unanimous feelings of the House would be sufficient, without further proceedings, to procure justice to Captain Atchison.

Mr. *Maxwell* supported the prayer of the petition. He thought, if the question were put on the basis of its being a paramount duty in men to attend to their religious duties in preference to their military duties, it would go with great weight before the Government, and would be of great advantage to the clear understanding of religious and military duties.

Mr. *Plumptre* was happy to see the unanimity of feeling on this subject, and trusting in that, he would not, in the absence of Ministers, give notice of any further Motion. But if the expression of the opinion of the House had no effect in the proper quarter, he should feel it his duty again to bring the subject before the House.

Petition laid on the Table.

Sugar Refining — Tower Hamlets.] Mr. *Clay* presented a Petition from the Tradesmen and others interested in the trade of Sugar Refining, in the Tower Hamlets. It was signed by 19,000 persons. The hon. Member read the petition at length. It stated:—'That the 'water side district of the Tower Hamlets 'is entirely dependent on commerce, and 'more especially on the numerous establishments for sugar-refining, through 'which, in labour alone, a sum of nearly '600,000*l.* was annually circulated in 'this district; but which has been reduced to about 195,000*l.*, owing to 'many kinds of sugar having been recently prohibited—a loss which is attended by unspeakable misery to the 'industrious inhabitants, who have, in 'addition, the desolating prospect of the 'whole trade being speedily, and for ever, 'removed to foreign parts, where a more 'liberal policy is pursued. That, upon 'these great establishments, most of the 'tradesmen and artificers totally depend, 'and the cutting off the means of their 'support will be followed by ruin to the 'shopkeepers and others of the district, 'while the rates for the relief of the poor, 'now becoming unbearable, cannot, by 'any possibility, be levied; so that the 'loss of this once flourishing trade will be 'followed by the most ruinous effects, to 'the destruction of a great portion of the 'industrious trading inhabitants. That 'if relief were extended to this important 'branch of British manufacture by the 'admission of foreign sugars, it would 'afford immediate succour to our suffering population, would revive the shipping 'and commercial interests on which we 'so entirely depend, and, by the proud 'pre-eminence of British capital, machinery, and industry, secure to this 'country the supplying of refined sugar 'to the whole world; but, by the continued prohibition for a few months longer, 'will establish the trade in foreign parts, 'so that it will be for ever lost to this 'country.' He could not persuade himself that the prayer of the petition of 19,000 persons, grounded on justice, and entitled to relief, should be refused. The petition was signed by the Lord Mayor, and by the most respectable commercial men in the city. It originated at a large meeting, and had been numerously signed, without having recourse to any of the arts by which signatures were usually obtained for petitions. It was necessary, he believed, to comply with the prayer of the petition; but he would not say more, till he brought forward his Motion on the subject.

Dr. *Lushington* bore his testimony to the correctness of the statements of his hon. Colleague. He was satisfied that the Government and the House would find it necessary to concede the prayer of the

petition. The district was suffering much by an expenditure of upwards of 400,000*l.* having been withdrawn from it. No Government, having at heart the good of that district, and dreading the loss of that trade, with the increase of the burthens that would be thrown on the district, could do otherwise than grant relief. The Reformed House of Commons would never venture to part, without giving these petitioners that relief which they prayed for.

Mr. *Patrick Stewart* said, the Sugar Refining Act contained a clause which gave vast fortunes to a few individuals at the expense of the Revenue. It was impossible for the English colonists to compete with the labourers of Brazil and Cuba. It would cause ruin to our colonies, should a Bill be passed to allow the sugar of those foreign colonies to be refined here, with all the advantages of British capital.

Mr. *Robinson* said, that no law could prevent the refining of the sugar produced by slaves; and the West Indians, therefore, were inflicting, by opposing this measure, an injury on a body of British subjects without obtaining any benefit for themselves.

Mr. *Ewart* said, that any Minister who should continue to impose such fetters on our commerce as were here complained of would deserve impeachment.

Mr. *Grote* supported the prayer of the Petition, It was necessary to pass the Bill during this Session, or otherwise the trade would be destroyed, and ruin fall upon the district in question. The petitioners sought nothing which would be injurious to the West Indians. He could have wished to see more conciliation on the part of the West-Indian body.

Petition laid on the Table.

DECCAN PRIZE MONEY.] On the question that the House resolve itself into a Committee on the East-India Company's Charter,

Mr. *Warburton* took the opportunity of asking the noble Lord (Lord Althorp), in case it should appear that the Lords of the Privy Council have recommended to his Majesty to leave the whole question of the distribution of the Deccan Prize Money to the Lords of the Treasury, and that his Majesty has confirmed that recommendation, whether the noble Lord was prepared to state, on the part of the Lords of the Treasury, that they would, before the final distribution, give the parties an opportunity of having their case reheard, in the manner contemplated by Parliament? The greatest irregularity and injustice, in his opinion, had taken place with respect to the distribution of the Deccan booty; but he should not enter into the details unless the answer of the noble Lord should render it necessary.

Lord *Althorp* remarked, that the hon. Member appeared to assume what was the decision of the Privy Council; but he (Lord Althorp) did not believe, that that decision was yet known. The hon. Member had then asked what his decision would be in case a certain decision had been come to by the Privy Council. He could not pretend to say, what his decision would be about what was not yet officially before him, for he did not happen to have been present at the Privy Council. He should, however, be the vainest of men if he thought that his decision could be of any weight after that of a Privy Council at which the Lord Chancellor, the Master of the Rolls, and the Vice-Chancellor had assisted. It was quite impossible for him to pledge himself with regard to the course which he should pursue.

Mr. *Warburton* said, that in fact the parties in question had not obtained a hearing, for the Lords of the Privy Council had decided that the distribution rested with the Lords of the Treasury. He had also to complain of various irregularities and improprieties, during the progress of the proceedings on this subject, on the part of the trustees of the Deccan prize money, the Duke of Wellington and Mr. Arbuthnot, as well as on the part of the Lords of the Treasury, particularly with reference to the fact that the minute of the Lords of the Treasury of 1825-6 was made upon a supposititious letter from the trustees to the Secretary of the Treasury, and also with respect to the alleged refusal of those parties to afford to the claimants the necessary materials for the collection of evidence in support of their claims; he should, therefore, move as an Amendment, for the production of a letter from the trustees to the Secretary of the Treasury, dated the 14th of September, 1825, for a letter dated the 22nd of June, 1826, and for the Treasury minute made upon one of those letters.

Lord *Granville Somerset* complained

that charges of corruption of so serious a nature against the above individuals should have been made by his hon. friend, without it being possible for them, unless by a mere accident, such as happened to himself, who was one of the Judges of this question at the time alluded to, and was by chance present in the House, to be prepared to make the necessary reply to those charges. He could say, that so far as his knowledge of the purity of motives and the desire to do what was just on the part of the individuals complained of went, he was in a situation to give a complete denial to those charges. It could only be their infirmity of judgment, and not their dishonesty, which could have caused an appeal from their decision. He was most anxious for a full investigation of the question in dispute, and his hon. friend should have brought forward his Motion in a more tangible shape.

Mr. *Spring Rice* rose to explain as to the charges made by his hon. friend (Mr. Warburton) against the Treasury Board of the time in question. Information of every kind was given to all claimants on one side, until the matter came by a Motion before this House, when it was considered best, that all the documents which had been supplied by the one side should be given to the other. With respect to the specific letters alluded to by his hon. friend, the fact was, that the one he had mentioned as being that in place of which the supposititious letter was put forward was not known of by the Treasury until it came in a printed form before the Privy Council, and whether or not there really were two letters would be seen when the matters came before the House. He thought it very doubtful whether there would be found to be any second letter in place of which the alleged supposititious one was stated to have been put forward; and although he was most anxious for a full investigation, yet he trusted there would be no more unnecessary delay, when it would be recollected that petitions were daily being presented against it.

Colonel *Evans* hoped, that as the claimants themselves were daily dying, the House would not postpone the payment by involving them in another year of litigation.

Mr. *Harvey* said, that the money was on the point of distribution when the case was referred to the Lords of the Privy Council. If it were determined that they had no jurisdiction, and that the case must be referred back to the Lords of the Treasury, the question was, whether the subject came before the Lords of the Treasury in the state in which it formerly stood, and as if there had been no reference to the Lords of the Privy Council. If that were so, then, unless the parties were again to be heard before the Lords of the Treasury, there would be nothing to do but to carry into effect the former intention of distribution. Now, it appeared to him, that what the hon. member for Bridport wished to know was, whether, in the event of the question standing as it did before the reference to the Lords of the Privy Council, the parties were to have a hearing before the money was distributed.

Mr. *Baring* protested against the imputations of corruption which had been thrown out by the hon. member for Bridport against persons who were, however, far too high in character to be affected by them. It was an imputation also on the Lords of the Treasury, to suppose that there was any reason to believe that they would proceed to the distribution of the money without hearing the parties who were interested. He (Mr. Baring) confessed, that of all the Courts in the country, that before which he should be most sorry for any question in which he was interested to come, was the House of Commons; influenced in its decisions, as it continually was, by loose declamation and personal canvass. He had seen more injustice perpetrated by that House than probably by all the other tribunals in the country. If he had a bad case, he should be very anxious to bring it before the House of Commons; if a good one, it was the last place into which he should wish to introduce it.

Mr. *W. Brougham* said, that all that his hon. friend, the member for Bridport, wished was, that in the event of the case coming again before the Lords of the Treasury they would hold their hands until they had heard the parties interested. He (Mr. W. Brougham) had seen so much of the case, that he was greatly alarmed at the idea of the distribution of the money without hearing the parties. He hoped his noble friend would be induced to say, that he would do his best to prevent the distribution until the parties ha.. been heard. That would not amount to a pledge on the part of his noble friend to procure them a hearing.

Lord *Althorp* must persevere in declining to give any pledge upon a subject, on the law or merits of which he was at present ignorant.

Mr. *Warburton*, in explanation, denied having attributed corrupt motives, but only irregularities to the parties adverted to by the hon. member for Essex.

Motion agreed to.

East-India Company's Charter.] The House resolved itself into the Committee on the Bill for renewing the East India Company's Charter.

Clauses from 58 to 80 were agreed to.

On the 80th Clause which enacted that the British subjects of his Majesty should not reside in certain parts of India without a licence, having been read,

Mr. *Charles Grant* said, that by this clause Europeans might go to any part of India. It was proposed, that all the territories possessed by the Company before 1800 should be open to Europeans without licence; but that, to the territories obtained since that period, Europeans should not be admissible, except upon licence from the local governments.

Mr. *Hume* said, that such an enactment would exclude Europeans from two thirds of India.

Mr. *Macaulay* said, that these new provinces could not be opened to Europeans, except with considerable danger.

Mr. *Charles Grant* said, that power was given to the Governor-General, with the concurrence of the Court of Directors, to open any part of India, without restriction.

Mr. *Hume* would not trust to the Court of Directors.

Mr. *Buckingham* expressed his great regret that there should be any restraint at all in the admission of Europeans into any part of India.

Mr. *Robert Grant* said, the restrictions had been imposed from the fear of injury to the natives themselves; but he hoped, by the cautious experiment now about to be made, that they would be able gradually to adopt such measures as would safely allow them to do away with all limitation whatever.

Mr. *Cutlar Fergusson* approved of the clause, because he thought it would be dangerous at present to allow the free intercourse of Europeans with the nations of the upper part of India.

Mr. *Hume* differed from the hon. Gentleman, and moved an Amendment which would have the effect of taking off all restraints upon residence in India, subject to a due obedience to the law. If a police were necessary it should be established.

Mr. *Wynn* approved of the restriction. They were to make a beginning by the present Bill, and he had no doubt that in the course of a short time they would be able to go further.

The Committee divided on the Amendment.—Ayes 20; Noes 111: Majority 91.

Clause agreed to.

Mr. *Charles Grant* said, he had an Amendment of some importance to propose to this clause. As it stood at present it contained positive enactments for the extinction of slavery; but as positive enactments on such a subject might cause considerable difficulty, in consequence of slavery in the East Indies depending in some degree on the distinction of castes, and the rights of families, he should propose "that the Governor-General in Council should be required forthwith to frame laws and regulations for the extinction of slavery, due regard being paid to the laws of marriage, and the rights and authorities of fathers and heads of families, and to report such laws and regulations to the Court of Directors before the 1st of January, 1835, and every succeeding year; and that the Court of Directors should within fourteen days of their receipt lay them before Parliament."

Sir *Robert Inglis* thought that the greatest care should be had in dealing with this matter. We were by a solemn engagement bound to observe all the rights of masters of families, whether preserved by the Gentoo or Mahommedan laws. In Malabar the soil was almost exclusively cultivated by slaves, they were considered to be complete property, and if they were to be emancipated, some compensation would be required. It should also be remembered, that the slaves of India were people of particular castes while the slaves of the West Indies were brought within the memory of man from a distant country. In India too there was a variety of methods by which a man might be reduced to slavery, and all these matters would require to be taken into consideration, for a thoughtless proceeding on this point affronting the prejudices of the people might cost us our empire in India.

Mr. *O'Connell* objected to the Amendment as going too far; it would keep whole castes in slavery. It was proper

to preserve parental and marital rights but the clause went too far.

Mr. *Cutlar Fergusson* regretted that the clause had been introduced, for it would be likely to throw the whole country into a flame. It ought to be specifically stated how far the clause was to extend, for if it were to throw open the harems of the Mahommedans and the zenanahs of the natives to the inspection of the Company's officers, it would lead to the most disastrous consequences. He disapproved of any legislation as to slavery in the East, for it was a wanton meddling with the prejudices of the natives.

Mr. *Fowel Buxton* could not consent to the doctrine that the Legislature might not put an end to slavery in the British dominions wherever it might exist. He placed confidence in the discretion of the Board of Control, knowing that his right hon. friends connected with it, were averse from slavery, and, he trusted, that the time was not far distant, when the name of slave should be unknown in the British Empire.

Mr. *Buckingham* said, that slavery in the East Indies was totally different from slavery in the West. Slavery existed in very different degrees in different parts of India. In Malabar it was in its worst form; in other parts of India the slaves were the members of the family. The natives generally had a very high idea of the sanctity of their harems; and if they were interfered with, it would unite all classes against our Government. The subject, therefore, could not be beneficial.

Mr. *Charles Grant* said, that the clause had no reference to domestic slavery, but only to predial slavery.

Mr. *Macaulay* said, that there was no danger whatever of interfering with the domestic rights of the people, as they were expressly reserved from infraction, by those words of the clause, which related to parental and other rights. It was undoubtedly desirable to get rid of predial slavery, and certainly the safest way to accomplish it, was to leave it to the Governor General to make laws for its gradual abolition.

Mr. *Charles Buller* thought, that the harem and the zenanah would hardly escape violation by this clause. The strong feelings as to castes which prevailed amongst the Hindoos would make this a very difficult subject to deal with.

The Clause was agreed to.

On Clause 89, being read which provides for the ecclesiastical establishment of India,

Mr. *Charles Grant* said, that the duties of the Bishop of India who was first appointed when the charter was last renewed, had been found far beyond the strength of the eminent men who had filled the see to execute them. It was proposed, therefore, without adding to the expense, to increase the number of dignified clergymen in India. At present the Bishop of Calcutta had 5,000*l.* a-year, and each of the three archdeacons had 2,000*l.* a-year, it was proposed to appoint two bishops each with 2,500*l.*, an archbishop with 5,000*l.* a-year, and three archdeacons with 300*l.* a-year, making on the whole rather less than was now paid.

Mr. *O'Connell* opposed the clause, because it went to establish a state religion in India.

Mr. *Hume* said, it would probably be better to leave the Church Establishment as it stood for the present, in case any wish to change it should produce a stronger opposition than was expected. At any rate it would be better to postpone the clause.

Mr. *O'Connell* would certainly take the opinion of the House upon the clause. The United Kingdom contained three great denominations of Christians. The Protestants, the Presbyterians, and the Roman Catholics. And it was a matter for consideration, whether they should erect an establishment in India for one only of these persuasions. He did not object to the Protestants in India paying for bishops of their own, as the Roman Catholics in Ireland paid for their bishops. He did not desire to have a Roman Catholic Establishment; for a salary had been given to a Roman Catholic Bishop in one part of the empire, and the consequence was, that instead of the harmony which used to prevail between the clergy and the people, there was almost a civil war.

Mr. *Macaulay* was not an advocate for episcopacy; but he supposed the expense was the evil. ["*No! No!*"] Was it, then, the difference between an archdeacon and a Bishop? If 11,000*l.* was to be paid, was it of much importance how it should be distributed? If 20,000*l.* were asked for, it would be a different

thing, and the hon. member for Middlesex might talk with some consistency of "increasing the evil," but the only thing increased by this proposition was the efficiency of the establishment. Was that an evil? But then, it was said, that it was going upon the principle of the Irish establishment,—an indefensible enormity. Did hon. Gentlemen consider the magnitude of the religious establishments of the Pagans and Mohammedans drawing from the State several millions? They ought not to complain of this small sum being appropriated to the support of the religion of their fellow-subjects. Instead of being a parallel case with that of Ireland, it was more like that of France, where Napoleon gave a large income to the many and a small income to the few. Not only were Mohammedanism, Paganism, and the Church of England, supported in India, but Presbyterianism and Catholicism. It was only within these few days that a despatch passed through his hands, authorizing the repairs of a Catholic church in Bombay. Why, then, object to 11,000*l.* being given to the Church of the dominant nation, when every religion was supported out of the revenues of the State in proportion to its extent? It was not, however, now proposed to lay on this burthen, but only to make it advantageous.

Mr. *O'Connell* did not look to the sum, but to the principle of establishing one form of Christianity in India in preference to another. It was too late to discuss the clause, and, therefore, he would move, that the Chairman report progress, and ask leave to sit again.

Sir *Robert Inglis* hoped the hon. Member would not persevere in the Motion, and said, he considered the provision for the Establishment insufficient; but he would support it, as he thought he was not likely to get anything better.

Mr. *Sinclair* must take the liberty to protest against the doctrine of his hon. friend, that the religion of the Church of England was the religion of the empire. In England it was the religion of the law, and of a majority of the people; in Ireland it was the religion of the law; in Scotland, it was not the religion either of the law or of the people. In Scotland there was another establishment as efficient, though more poor; and if his hon. friend visited Scotland, he would find himself a dissenter there, and would attend the ministrations of a Bishop, who enjoyed no income from the national purse. He did not by any means undervalue the deserts of the sister Church; but as India was divided into four Presidencies, he should be glad to see in one of them a fair trial given to the development of Presbyterian energy and zeal. Give to the Church of Scotland half the sum allotted to episcopacy in a district of similar extent: with this, they would send out three times the number of Christian ministers, and accomplish ten times as much good. If it should prove otherwise, after an experiment of a few years, he would cheerfully consent to see the grant withdrawn. As to the Pagan and Mahometan establishments, we had not introduced but found them there, and could not abolish those rites which the natives had so long adhered to, and would not relinquish. The faithful and disinterested missionaries, the Schwarzes and Marshmans, who took neither purse nor scrip at the public expense, but were supported by the spontaneous contributions, and cheered by the prayers of their Christian friends, were the men by whom the principles of the Gospel would chiefly, though not exclusively, be maintained or revived amongst our own countrymen in India, or disseminated as a blessing to the native population. He also thought it was an anomaly to place the new prelates under the jurisdiction of the Bishops of Calcutta; he believed, that it was at least more usual that they should all be placed directly under a Metropolitan. The Finance Committee had recommended the withdrawal of public aid from ministers of the Presbyterian Church; and if the friends of that establishment should be called upon to support the clergy of their own denomination in India, the same rule might surely apply to the richer members of the sister Church. He hoped, however, that attention would be paid to both objects; and in that case he should not oppose the new arrangement of the existing revenues being appropriated to episcopal purposes, though he should have certainly resisted their augmentation.

Mr. *Robert Grant* opposed the Motion. He contended, that the establishment of chapels was occasioned by the fact stated by Mr. Burke, that the great majority of the Christians in India were really unbaptised. The natives had thus an opportunity of saying, "How is it that you have no means of extending the benefits of your religion to your countrymen? We have our pagodas

and our institutions; how is it that you do nothing for the instruction of your co-religionists?"

Mr. *Wilks* admitted, that the illustrious men who had, in India, successively occupied the situation of Bishop, had been distinguished for their zeal and their piety. But being desirous to see the triumph of Christian principles in that country, he wished no Church establishment there. In an empire containing 100,000,000 of people, there were not above 40,000 individuals belonging to the Church of England. Could it be necessary to appoint three Bishops for them? They ought not to forget, that the great object of promoting the progress of Christianity had not been accomplished either by the chaplains or by the Bishops who had been sent out. The establishment of a Bishop in Canada, instead of promoting christianity, placed at hazard our dominion over that colony; whilst the Bishops who had been sent to the West Indies, had increased the irritation which before existed there. The progress of Christianity in India was owing, not to the Bishops, but to the missionaries sent out by the Missionary and other societies in England. It was the missionary labours in India which had exalted the character of our religion in that part of the world. It was Dr. Morrison to whom we were indebted for our best information on the subject of the language of China? It was to Dr. Carey that we were indebted for the translation of the Scriptures into the Indian tongue; and it was to Dr. Marsland, in conjunction with Dr. Carey, supported by the voluntary contributions of pious people in this country, that we were indebted for the firm root Christianity had begun to take in Bengal? Let the Episcopalians do the same, and let them be put upon the same footing as other Christian sects in India.

Mr. *Gillon* said, anomalous as the state of the Church Establishment was in Ireland, the condition of things proposed to be set up in India was ten times more absurd. If the House agreed to that, of what use would it be for the hon. and learned member for Dublin to complain of the Catholics of Ireland having to pay for Protestant Bishops, when the Treasury Bench would be able to say, "Why, look at India; there 100,000,000 of Mohammedans and Pagans are supporting the Protestant establishment of 40,000 Englishmen." He looked upon the proposition as one fraught with danger, and he trusted his Majesty's Ministers would withdraw it.

Mr. *Wynn* said, if the arguments urged against this proposition were good for anything, they were good against having any Church Establishment whatever. The natives of India had a plain interest in the maintenance of a Church establishment, for it would be prejudicial to them, that those who were to govern them should be without religious instruction. Was it desirable, that the young men who went out to India should be left to their own zeal for obtaining religious knowledge? There were not many Gentlemen who would say that religion had not an important and necessary operation upon morality. If so, could it be a matter of indifference to the natives of India that those who were to exercise rule over them should be without religion? An hon. Member said, that some of the chapels had only a congregation of forty or fifty; but was it desirable that the many stations, where there were not above forty or fifty Europeans, should be without the means of cherishing the principles of religion? With chaplains scattered over India, it was of great consequence that individuals should be appointed to superintend their conduct. But a Bishop was also necessary to consecrate churches, and to admit to holy orders. This last was an important point, and a number of native converts,—those by whose means the Christian religion might be most effectually spread in India,—had received ordination from the hands of the Bishops. He said also, that they were bound to supply the means of religious worship to those who went to rule in India. Why establish a Supreme Court? Because when you sent out Englishmen to India, accustomed to English law, it was desirable that they should have Judges to administer that law. Yet he had not heard any proposal made to tax Europeans for the payment of the Judges. Why, then, tax them for the maintenance of those who were to instruct them in the religious doctrines, in which they would have been instructed, had they remained in England? An hon. Member had spoken of the danger which might result from its being represented to the Sepoys, after a disastrous day, that their countrymen were taxed to maintain the religion of foreigners; but we might just as well talk of abandoning India, be-

cause it might be represented to them that their countrymen were taxed to pay the officers who commanded them, and kept them in subjection to Europeans. He could enter into the feelings of that man who said, that our whole empire in India was founded upon injustice, and that we, the inhabitants of a distant island, had no right to levy taxes for the government of India; and the only answer was, that it had so happened, and that it was for the happiness of India that we should continue to possess the government, rather than, by throwing everything loose, allow contending chiefs to fight for empire, or plunder in that arena. It was a necessary consequence that the country must bear whatever expenses were necessary for its good government; and the maintenance of the ceremonies of our religion among those who were to administer the government, was necessary for maintaining their morality, and was therefore necessary to the welfare of the people of India.

Mr. *Sheil* observed, that the question now before them was, whether they should report progress, a point which seemed to be lost sight of. Mr. Lushington had asserted, that the extension of the episcopal establishment would not be beneficial to India.

Mr. *O'Connell* said, he would consent to proceed with the other clauses of the Bill, provided the House would agree to postpone the clause now before them.

The Committee divided on the Motion that the Chairman report progress: Ayes 37; Noes 120—Majority 93.

Mr. Hume then moved, that the debate be adjourned.

Mr. *Pryme* objected to the adjournment. The Established Church had done considerable good in India, and it ought to be supported.

Mr. *Charles Buller* thought the subject of too much importance to be proceeded with, and he therefore would support the Motion for adjournment.

The Committee again divided: Ayes 36; Noes 124—Majority 88.

List of the AYES.

ENGLAND.

Aglionby, H. A.
Brotherton, J.
Buckingham, J. S.
Buller, C.
Ewart, W.
Grote, G.
Halcomb, John
Hawkins, J. H.
Harvey, D. W.
Hume, J.
Hutt, W.
Lowther, Colonel
Richards, J.
Romilly, J.
Romilly, E.
Strutt, E.
Turner, W.
Vincent, Sir F.
Warburton, H.
Wason, R.
Wilks, J.
Wood, Alderman
Young, G. T.

SCOTLAND.

Murray, G. A.
Sinclair, G.

IRELAND.

Bellew, R. M.
Blake, M.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Connor, Fergus
O'Dwyer, A. C.
Ruthven, E.
Sheil, R. L.
Vigors, N. A.

Mr. *Warburton* said, he thought his friends had adopted a proper course in moving the postponement of the clause, considering that they had proposed to allow the other clauses to be discussed, passing over this. If the two new twin Bishops were allowed to be appointed, the consequence would be, that in a short time a Message would be sent down, stating the inadequacy of their income, and they would be saddled gradually with further expenses.

Mr. *O'Dwyer* hoped the House would now see the necessity of adjourning the debate.

Lord *Sandon* objected to the postponement of the debate, the wish for which he ascribed to the desertion and inattention of the gallery. He thought it unfair to proceed by a succession of vexatious motions for adjournment. He might have hoped that the Opposition would not follow the example of the Tories on the Reform Bill. They had begun their attacks at a quarter past eleven.

Mr. *O'Connell* said, he had not any pretensions to the eloquence of the noble Lord, but he had been listened to with some attention, which he attributed principally to his brevity. The noble Lord had ascribed this vexatious opposition, as he called it, to the Irish Members. He, therefore, thought it his duty to press his Motion. The discussion had been calm and temperate till the noble Lord introduced his own acrimony into it.

Mr. Secretary *Stanley* said, that the debate had been calmly and temperately conducted until the two divisions were forced upon the House by the hon. and learned Member's friends. It was not surprising, that some acrimony should arise when, at a quarter-past eleven o'clock, the question of postponement was introduced. If the time of the House had been occupied in the fair discussion of the question,

they might have made considerable progress.

Mr. *Charles Grant* admitted the calmness of the discussion. If hon. Gentlemen were not inclined to proceed, he would not press the immediate consideration of the clause; but he put it to them again, whether they should not postpone their objections till the discussion upon the Report.

Mr. *Aglionby* said, admitting that there might be a vexatious movement for an adjournment, there might also be a vexatious opposition to that adjournment. It was not with any motive of getting rid of the Bill that he had voted for the postponement. He objected, therefore, to the use of the words "vexatious opposition."

The House resumed. The Committee to sit again.

HOUSE OF LORDS,
Thursday, July 18, 1833.

MINUTES.] Bill. Read a third time:—Court of Chancery Regulation.

Petitions presented. By Lord AUCKLAND, from Cootehill, for a Revision of the Criminal Code.—By Lord DACRE, from several Places, for the Abolition of Slavery; from a Congregation at Kingsland, for the Better Observance of the Sabbath; from a Protestant Dissenting Congregation at Reading, for Relief with respect to Marriages, Registration, and Church Rates.

CHURCH TEMPORALITIES (IRELAND) BILL.] The Bishop of Exeter moved the resumption of the Adjourned Debate on the above Bill.

Lord *Carbery* said, that one of the reasons urged by the Ministers in favour of this Bill, was, that it would give satisfaction to the people of Ireland. He had, however, to complain, that the policy which his Majesty's Ministers had adopted with respect to Ireland had excited the dissatisfaction which this Bill was to appease. They had suffered the discontented in that country to carry on, uncontrolled for months, a system of terror and intimidation. The clergy alone were not the individuals who suffered by this system—the evils which it produced recoiled upon the wretched instruments themselves, and, generating misery, produced still greater discontent. If the Government had done its duty when these disturbances had first commenced, there would have been no necessity for the Coercion Bill. In 1829, when Dr. Doyle was examined before a Committee of that House, he was asked, "What particular or general benefit is likely, in your opinion, to result to the people of Ireland, by the admission of the Roman Catholics to a full participation in civil rights?" The reverend gentleman answered, "that it would produce incalculable benefit; it would put an end to all the religious animosities which now prevail; it would prove not only a local, but a general, good; it would enable the country to derive much more benefit than it at present does from its internal resources; it would induce individuals to employ their capital in that country, because they would see a prospect of deriving advantage from the outlay; it would cause the community in general to be better educated; it would remove dissensions, and make the people of Ireland as one individual. Such," said the reverend gentleman, "are the opinions which I entertain in the presence of God and your Lordships." But, notwithstanding that these were the opinions of the reverend gentleman, in six months after he had given his evidence, the Newtownbarry affair took place; and, it should be observed, that Newtownbarry was in the diocess of that reverend gentleman. Certainly, that event did not correspond with the hopes held out in the quotation which he had just read. It, indeed, evidently appeared, and their Lordships must admit the fact, that there had been in Ireland, for some time back, a systematic conspiracy against the acknowledged rights of the Church. These violent proceedings had led to the present Bill; and, he would say, that the principle of the Bill, as it now stood, was the most dangerous that could be conceived with reference to the safety and security of the Protestant Church of Ireland. He knew that country well; he was intimately acquainted with the feelings of the Protestants there; and when they saw that it was proposed to remove ten Bishops at once, they would conclude that the whole fabric of the Established Church was threatened with destruction. Why, it was known that there were even now negotiations pending for the purchase of those episcopal residences which would from time to time, under this Bill, become unoccupied by Protestant Bishops, for the use of the Roman Catholic clergy. The result, then, of the Bill, would be, to give a marked ascendancy to the Catholics, and to dispirit the Protestants. The Bishop's palace ought to be reserved for the use of the Bishop in his visitations. He objected

strongly to shifting the burthen of the Church-cess from the community to the clergy. The Church-cess was a Land-tax, and, he thought, that the land ought to bear it: for his part, he, as an Irish landlord, was willing to contribute his portion of it. He believed a general tax of three-halfpence per acre on the land would be sufficient to cover the Church-cess; and that, with an equalization of the revenue of the Bishops, which would yield 35,000*l.* or 36,000*l.*, was all the Reform which he thought was required. That fund would enable the ministers to augment the small livings, and build glebe houses where necessary. More than that was not wanted. Greatly, however, as he objected to the Bill, and blamable as he thought the Ministers for the present state of affairs in Ireland, yet, as it was a measure of vital importance, he felt himself reluctantly compelled not to vote against its going into Committee.

The Bishop of *Exeter* said, he felt that there was no necessity for him to give any assurance to their Lordships that he rose on this occasion with no common degree of anxiety. Their Lordships had now under their consideration the most important subject that had come before the Legislature for years, nay, he might truly say, for centuries. So important were the subjects involved in this discussion, that the noble Baron who had just addressed their Lordships had stated, that he was prepared, from a mere sense of the necessity of the case, to read this Bill a second time, notwithstanding the many and strong objections which the noble Lord entertained, and had urged against it. He, however, acting on the most solemn grounds, though feeling considerable difficulty when he found an individual possessing the knowledge and experience of the noble Baron making such a statement, came forward to assert those principles which he felt it to be his duty to avow, in the face of that necessity to which the noble Baron thought it his duty to yield. Considering the feelings which operated on the mind of that noble person, it was impossible not to see, that in pursuing a different course, he incurred a most heavy responsibility, which, he was, however, content to bear. In discussing this question he felt it to be his imperative duty to cast aside all personal and temporary considerations, and to examine it on its abstract merits alone, because he believed, that the interests of the church of God and the interests of truth were at stake. Some parts of the Bill imposed a restraint on their Lordships in dealing with it. There was, he might be permitted to observe, a right insisted on elsewhere — a right not formally admitted by their Lordships, but never practically resisted by them—that was, the right claimed by the House of Commons to consider and decide on certain subjects without the intervention of their Lordships. He alluded, of course, to the right which the other House claimed to regulate and apportion the amount of any tax that was to be imposed by the Legislature, and the exercise of that right was involved in the present Bill. He must, however, contend, that in this instance, the exercise of that right was in direct violation of the very principle on which the claim of the House of Commons to exercise it, was founded. For what was that principle? It was, that they, as the Representatives of the people, on whom the main burthen of the taxation must fall, had a right to impose the burthen. The principle was, that as the Commons of the realm bore the burthens, the Commons should impose them. In this instance, however, a very small part of the community, forming a very small portion of the constituents of the other House, and having in it no Representative of their own order, were alone subjected to the tax which the other House claimed the exclusive right to impose. It had, in fact, in this instance, acted in a manner at variance with its own principles. It had imposed a tax on the property of men who were not represented in the place where that tax was imposed. There was not one of their own body present to feel with them or to act for them. In that House the clergy were represented. The Bishops were the guardians and protectors of their interests, and an opportunity ought to have been afforded them to give the imposition of this tax a full and deliberate consideration, before it had received the sanction of the House of Commons. Their Lordships, and the Representatives of the clergy, had now no other course to pursue, so far advanced was the Bill, than to reject or accept it without modification. The very principle on which the other House of Parliament rested its claim rendered it proper and necessary that some means should have been adopted by which those who were to be taxed under this measure, should have been consulted. Such a course might easily have been found, if Ministers had thought fit to have adopted the principle. If they had proceeded by Reso-

lution, rather than by Bill, then their Lordships might have considered this tax in all its bearings, and they might have been enabled so to discuss this matter with the other House, either by way of conference, or in some other mode, as to secure the concurrence of all parties. If this had been done, they would have approached the question with far less of excited feeling—with far less of acerbity—and with far less danger of incurring that which all must wish to avoid—the danger of incurring a collision with the other House. He was the more disposed to think that if they had come to the consideration of this subject by Resolution, they would have arrived at a conclusion in accordance with the wishes of all parties, because the noble Earl who had introduced the Bill with so much ability had explained its object to be, to effect the removal of a tax from the community which had led, much more than any other cause, to the disorders that prevailed in Ireland: and, at the same time, to ameliorate the situation of the Church itself, and to improve its revenues. Now, as all these points related to the Church, it was particularly fitting, for the reasons he had stated, nay, he held it to be essential, that the measure should have been, in the first instance, considered by the Representatives of the Church. Seeing that the Bill professed to be for the improvement of the Church, and for the better distribution of its revenues, he thought that opinion could be maintained on higher and still stronger grounds. The noble Earl had stated the objects of the Bill to be three:—1st, the abolition of the Vestry cess; 2nd, the augmentation of small livings; and, 3rd, the building and repairing of churches. With respect to the Vestry-cess, he should find it necessary to trouble their Lordships at some length; but as to the other two objects, he might be permitted to say, that no class of men in this country felt a more warm interest in those most desirable measures, the augmentation of small livings, and the building and repairing of chapels, than the Bishops of the United Kingdom did. In considering this question, the Bishops had cast aside every feeling of self-interest for their order; they came to it wholly and solely with the wish, particularly at the present time, to secure for the country the services of a body of men who would adopt the best means for promoting the worship of God, and extending the truths of the Gospel. The noble Earl had last night, in an elaborate display of figures, attempted to show that sufficient funds would be provided by the proposed alterations for meeting all the expenses incidental to the new arrangement. But, he was prepared to contend, that those funds would be devoured by the demand occasioned on account of the Vestry-cess. He would advert to the noble Earl's accounts, and, if he were wrong, the noble Earl could correct him. The noble Earl stated, that the items of charge would be—Church-cess, 63,241*l.*; augmentation of livings under 200*l.*, 46,500*l.*; building and repairing churches, 20,000*l.*; glebe-houses, 10,000*l.*: making a total of 139,741*l.* There would besides be 5,000*l.* a-year for the expense of three Commissioners (an item which the noble Earl had omitted); making a total of 144,741*l.* The sale of the perpetuities of Bishops' leases, however, would not, as the noble Earl had stated, produce 1,000,000*l.*, but only 800,000*l.*, supposing the sales to be readily effected. The mistake on this point had originated in the other House, where the noble Lord had forgotten to take into consideration the fine annually paid, which reduced the value of the perpetuity one-fifth. He was surprised that the noble Earl should have fallen into the same error. Instead, therefore, of producing 1,000,000*l.*, the sale would at most only produce 800,000*l.*, and that would not yield an interest of four per cent, but only an interest of three and one-third per cent, which would reduce the annual income from this source to 26,000*l.*, speaking in round numbers, even if perpetuities of all the leases were purchased. There were also, it should be observed, 264,000*l.* to be set apart to meet certain charges that were now due; and he would venture to say, that the probability of those leases in perpetuity being purchased was so small, that if 264,000*l.* were realized by them, it was as much as any reasonable man could expect. That sum, certainly, must be deducted from the 800,000*l.* But, as he said, he believed, that the sale would not yield more than 264,000*l.*, and, therefore, he asserted that the 40,000*l.* of the noble Earl ought to be altogether struck out of the account. Upon the supposition of the noble Earl, the sale would only yield 26,000*l.*; but as he saw no readiness to purchase, and there was a large sum to be provided for, he saw no probability of the sale yielding a farthing to dispose of. The next item to meet the expenses of the new arrangement, was the produce of the

consolidated bishoprics, which was estimated by the noble Earl at 57,700*l.* But here the noble Earl had made a considerable mistake; he had taken the gross instead of the nett amount of the revenue of the bishoprics, and the real produce was only 50,700*l.* The next item was the tax on the Bishops who remained, which was calculated at 4,600*l.*, which might, probably, be correct. The next item was the tax upon incumbents, which amounted to 44,000*l.* But, it appeared, by a paper which had been laid before Parliament, that since the period of the data on which that calculation was made, a tax of fifteen per cent had been laid upon incumbents, to be paid to the landlords on account of tithes. The result was not a diminution of fifteen per cent, but to a much larger amount; so that no one could safely reckon the amount to be derived from this source at more than 24,000*l.* The next item was that of the repayments for fifteen years, 8,000*l.*; the immediate reduction of the Bishopric of Derry, 2,000*l.*; the future reduction of the same bishopric, 4,160*l.*; and the future reduction of Armagh, 4,500*l.* per annum. The conclusion he arrived at was, that the whole sum which could be reckoned on, amounted to 85,872*l.*; but all this part of the revenue was contingent, and depended on the lives of the incumbents. He would call their attention to the immediate sources of expense. A charge for Church-cess would be immediately incurred of 63,000*l.* per annum, together with the 5,000*l.* a-year for the Commissioners. To meet this, there was immediately available only the revenue of the see of Waterford, the payments for the see of Derry, and certain payments on account of clergymen, who held money from the First Fruits, to build churches, &c.; making in all only 16,000*l.* a-year. That was all which could be safely calculated on for the next fifteen years. Every year, therefore, they would incur a large debt; and, at the end of the first year alone, the amount would be no less than 47,000*l.*, including the 5,000*l.* to the Commissioners. This debt would be annually increasing in the same proportion, except so far as the amount of the tax would be diminished; and the consequence would be, that, at the end of fifteen years, they would be upwards of half a million in debt, which would entail a charge of from 15,000*l.* to 18,000*l.* a-year on the country. The result would be, that all the funds pointed out by the noble Earl, and which he had considerably overstated, would not be sufficient to provide even for the Vestry-cess; that would devour not only the tax laid on the clergy, but all the other funds that had been enumerated. He should next take a view of the Bill itself. It appeared to him to be constructed on a very peculiar principle. To say that it was a delusion would be hard, for he did not think that it would delude any one. It was made up of a series of propositions which would delude, if they were believed; the very title of the Bill showed that. It was called, "An Act to alter and amend the laws relating to the Temporalities of the Church in Ireland." Now, how did that title agree with the contents of the measure, which was in fact a Bill to transfer the payment of a certain tax from one part of the community to another. Now, let their Lordships suppose, that a Bill was introduced into that House, the title of which bore, that it was to alter and amend the laws relating to real property, and when they came to look at the Bill, they found that the intention of the Bill was to take off the legacy duty, and lay that duty upon lands, would they say that such a Bill was to amend the laws relating to real property? Yet such a Bill would be in strict analogy to the Bill before them; and if such a Bill were brought forward, he would venture to say, that their Lordships would object to it, as containing a false title. To proceed next to the preamble of the Bill, it said, "Whereas it is expedient to make provision for the abolition of first fruits in Ireland, and the substitution of an annual tax in lieu thereof." Now, it appeared, that these first fruits did not amount to more than 300*l.* a-year, which was payable by a great number of persons; and he did think it extraordinary, that any body of men should arrive at the opinion, that it was expedient to do away an impost of that trifling amount, for the purpose of substituting a tax of 50,000*l.* or 60,000*l.* a-year. They had heard from the noble Earl, last night, a justification of the abolition of first fruits. The noble Earl had said, that first fruits were originally exacted by the Pope for temporal purposes, and that they had come down to Henry 8th, as subsequent head of the Church, and successor of the Pope, and that they had now come to the present Government as successors to Henry 8th. And now, it appeared, that the Legislature claimed the right of dealing with it in their turn, after the example of that just and moderate prince, whose conduct and

this might satisfy their Lordships the nature of the measure was now held up as a precedent for them [Earl Grey had not drawn any such inference]. No; he drew that inference—he did not charge the noble Earl with having drawn it; but such was the inference which he thought he was justified in drawing from the noble Earl's words. Now, what was the fact with respect to the origin of these first fruits? The Pope, as spiritual head of the Catholic church—and, it should be remembered, that no king of England claimed to be the spiritual head of the English Church—originally claimed a right to present to all benefices which had been held by persons who died at the see of Rome, and the persons so presented were required to pay to the Pope the first fruits of such preferments. This could not be contradicted by any noble Lord. The Pope, however, soon extended his claim to all livings, no matter where situated, or under what circumstances the presentation was made. The clergy were under the thrall of the spiritual head of the Church, and they succumbed to this demand. But was it universally acquiesced in? By no means; the Commons frequently remonstrated against it. The Commons' House of Parliament loudly exclaimed against the Pope's being allowed to devour the riches of this kingdom by withdrawing the first fruits from it. So strong was the feeling on the subject, that Henry 8th himself did not at first lay claim to the first fruits, as connected with the Church. He claimed the tax merely because it was necessary that he should support the dignity of the King of this realm, and the temporal head of that Church. The noble Earl cried "Hear, hear!" He seemed to think that this was a complete precedent. Certainly it was—no precedent could be more complete. But had such a claim been made, since the time of Henry 8th, by any Monarch of this country? Had any of them followed up the Act of Parliament by which these first fruits were granted? Had any one of them ever raised the valuation, though it was an express provision of the act that a new valuation might be made whenever the King pleased? They had been told last night of three different valuations which had been made in Ireland, in the reigns of Elizabeth, of James 1st., and of Charles 1st. Now, he asserted that this was a very great historical error. No such new valuations ever took place. There were valuations in those reigns, but they were valuations of livings that had not before been valued. They were not new valuations of livings that had previously been valued. The right reverend Prelate contended, that many acts of the Irish Parliament supported him in the view he took of this question, and particularly referred to one passed in the third Session, entitled, "An Act for granting certain subsidies to the clergy of Ireland." The same rule was followed in the succeeding reign, when an Act was passed granting eight subsidies to the Prelates of Ireland. In fact, from Henry 8th's time downwards but one system of valuation had been followed. The provisions of every statute passed since the time of Henry 8th, all tended to the same point. The measure then before the House was the first contrary instance upon record, and he hoped their Lordships would not follow, but reject, the precedent, as it deserved. He contended that the right to these first fruits had been vested in the clergy of the realm exclusively. The noble Earl had, however, founded his argument not only on ancient precedents, but on the practice in the present times. He stated, that in the bishopric of Durham, the property of the Church had been applied to Church purposes. In that case the revenues of the Dean and Chapter had been applied to the building a university. But what the right reverend Prelate, the Bishop of Durham, had justly stated was, that the revenues of the Chapter had been founded for the extension of sound learning, and that the Chapter, in appropriating the revenues to the university, had only followed the injunction. That was unquestionably no precedent for applying Church property to any but Church purposes. The noble Earl had likewise alluded to the duty demanded of the clergy in Ireland of keeping a teacher in the schools, or paying 40*s.* towards his expense. Now, he begged their Lordships to observe, that that was a duty of a specific nature. The schoolmaster was paid by his scholars, but so badly, that it was hardly possible he could be supported from that source without some additional help, and as the clergyman was bound to see that a school was kept in the parish, he was made to pay 40*s.* in order to ensure there being a schoolmaster. He submitted, therefore, that whether the measure was good or bad, it must stand on its own grounds, as he had shown, that there were no former precedents of the kind. The next part of the preamble

stated. "That it was expedient that all compulsory assessments by exclusive vestries should be abolished." When he considered all the circumstances of the laying on of assessments by exclusive vestries in Ireland, and the spirit of discontent which it created, he was ready to assent to the proposition that those assessments should cease; but as the object for which those assessments were raised must be necessarily provided for according to the law of the land, this was a charge that ought to be laid upon the land. At present the charge was laid upon the occupiers. But as, whenever there is the proper relationship between the tenant and landlord, the burthen of the tax comes ultimately upon the landlord, this tax must be considered as strictly a tax upon the land. And it was highly expedient that the tax should be laid in the first place upon the occupier, especially in England; first, because that mode of levying it ensured economy; and, secondly, because it was the most easy mode of levying the tax. Yet, when the tax could not, from circumstances, be easily levied upon the occupier, then he was ready to admit that some other mode should be adopted, in order to levy it with greater facility. Still, however, the tax ought in equity to be levied upon the land. But by the Bill which he held in his hand the whole of this tax was taken entirely off the proprietor and tenant, and fixed upon the clergy. He would ask their Lordships if they were prepared to go to that extent? Was there any reason why they should go to such a length? He had expected that there was not one would have allowed himself to be relieved of this tax at the expense of that most useful and meritorious class of men, the clergy of Ireland—a class, many of whom, he regretted to say, were now without a home to cover them. Such a change would be attended with the grossest injustice. And he did expect, that whatever might be the necessity of relieving the tenants of the tax, their Lordships would not take advantage of that necessity to thrust the burthen on themselves. For if anything could be more disgraceful than to be a party to so unjust a measure, it was to be a sharer in the profit derived from it. He never was more surprised than when he heard the statements made by two noble Marquesses last night. One of them had even made a kind of claim upon this tax, and that a tax upon men, many of whom, as he had already said, were without a home. He was sure that the noble Marquess did not mean to avail himself of the opportunity. He had said, that he did not know that one of their Lordships would avail himself of this circumstance; but he was mistaken—there was one noble Marquess, who was connected with the present Government, and on whom his bitterest enemy, if he had any such, would not throw the slightest imputation. But if he had understood right, the noble Marquess was unwilling to avail himself of that opportunity, that he did not approve of transferring the tax on the clergy, and that he wished it to be borne by the landlord. It also appeared from the evidence of Mr. Foster, given in 1819, that the noble Marquess, in instances where his tenants could not endure the Vestry-cess, ordered it to be paid at his own expense. That was an example which confirmed the views he had taken, and pointed out the parties on whom it was proper this charge should be laid. In speaking of the Protestant clergy of Ireland, he did not think it necessary for him to say much in their behalf to induce their Lordships to consider them with as much favour as existing circumstances would allow. Their conduct had always been highly praised, and he could adduce various testimony given before both Houses of Parliament to prove that it had been highly satisfactory. He would mention the testimony of Major Woodward, Inspector of Prisons in Ireland, with respect to the conduct of the Protestant clergy. That officer said, that were it not for the residence of the Protestant clergy in Ireland, every trace of civilization would have disappeared in that country. When such was the case, ought such men to be treated in the way the present Bill proposed to treat them? He was aware that charges had also been made against the Protestant clergy of Ireland. Dr. Doyle had stigmatized them as holy harpies devouring all the food of the land, without giving anything in return, and represented them as wallowing in affluence and luxury. He felt himself bound to state, that such was not the general feeling of the Catholics in Ireland. The Bishop of Limerick some years ago, in allusion to an attack on the Protestant Clergy, pointed to a petition from certain Roman Catholics that had been laid on their Lordships' Table, which petition prayed, that there might be Protestant clergymen sent among them. That was a decisive proof that all the Catholics did not think like Dr. Doyle. He

would also quote the testimony of another Catholic in favour of the Protestant clergy. The testimony he meant was that of Father O'Leary, who, in addressing himself to the Whiteboys of his time—persons similar to the Whitefeet of the present day—asked them with respect to tithes, "What right they had to interfere with the revenues of the Protestant clergy?" And moreover Father O'Leary told them, that "it was more to their interest than they imagined, that the Protestant clergy should be maintained in their rights." "For many ages," continued the Holy Father, "you have been destitute of protection; your landlords have been your oppressors, and your own clergy could not protect you, for they were continually persecuted, and often sentenced to deportation, and even to death. You found protection at last, and you found it in the mild, benevolent, christian, character of the Protestant clergy." This was written in 1787; and he would ask whether the Catholics would be benefited by curtailing the revenues of the Protestant clergy, and consequently limiting their sphere of charity? Would it not be better to transfer this charge from the poorer Catholics, and place it on the landlords? The charge would fall heavily on the Protestant clergy, but if it were placed on the landlords, it would almost be too minute for calculation; it would be to them a charge of less than five farthings in the pound. The rent (he spoke from good authority) of all the land in Ireland amounted to more than 12,000,000*l.* Now, one penny in the pound on that rent would come to 50,000*l.*, and if one farthing more was added, they would get 62,500*l.*, very nearly the amount of the Vestry-cess. The question then was, whether that sum should be transferred to the clergy, or whether the landlords should not be called upon to pay it, when it would amount to a tax of only five farthings in the pound on the rent. He was almost ashamed to delay their Lordships with those details, when the matter, even without this, was so evident. It would, however, be necessary for him to say a word or two on the resident Protestant clergy of Ireland. They performed services that could not be paid for with money—in fact, it was impossible to value their services. When resident in Ireland, even in their character of private gentlemen, they were found to be the greatest, nay, the sole benefactors of the poor. Where were the landlords of those poor? Many of them, he allowed, were in that House discharging honourably their duty as Legislators, and doing all they could for the benefit of their tenants. But there were other landlords, he was sorry to say, and so must their Lordships be sorry to admit, who, instead of doing their duty in person towards their tenants, allowed others to perform the services which they themselves ought to perform. They were represented by others, instead of being on the spot, and defraying the costs of charity out of their own purses. But the clergy were the true source of relief, consolation, and protection, to the unhappy peasantry of Ireland; and he called upon their Lordships, in the name of that unhappy peasantry, not to diminish the clergy's means of doing good. The noble Earl who had introduced the measure to the House had made some strong remarks with respect to the influence of the assessment of the Vestry-cess, and had ascribed to the collection of that tax a great part of the agitation and disturbance which prevailed in Ireland. He hoped he had not shown any disposition to underrate the evils of the Vestry-cess as it affected the fields of the poor tenantry, the majority of whom, it must be borne in mind, were Roman Catholics, and who felt it galling to their feelings to be called upon to contribute to the support of another religion. While he was ready to admit that of late years a great degree of agitation had been caused by the existence of the cess, yet he could not admit that it was the principal, or even one of the principal causes, of the agitation which now existed. He would refer, in support of this proposition, to the report which had been presented to the other House of Parliament less than a year ago by a Select Committee appointed to inquire into the immediate causes of the then disturbed state of certain counties in Ireland, and into the sufficiency of the laws for suppressing outrages against the public peace. The Report commenced by stating, that numerous witnesses had been examined, and that evidence had supplied full information as to the causes which the Report then proceeded to state. And what were those causes? After recommending the establishment of a night watch, in order to check and control nocturnal meetings in actual cases of Whiteboy conspiracies and crimes, the Report added, that the Committee, 'in making this suggestion to the 'House, would feel great reluctance in 'doing so, if they did not entertain a con-'viction that such remedial measures as 'may tend to remove the causes of crime,

'would, at the same time, be adopted. 'They are fully of opinion, that an increase 'in the rigour of the law could not alone 'restore peace to Ireland.' The Report proceeded to state, 'that although the 'Committee have not sufficient time to 'give an opinion on each of the several 'causes which have been stated in evidence 'to have occasioned the recent disturb-'ances, there are one or two of them to 'which they beg to call the attention of 'the House. The removal of tenants from 'farms at the expiration of old leases is 'unquestionably a considerable cause of 'those disturbances, and the Committee 'have considered this subject with the 'view, if possible, of getting rid of this 'source of evil; but the subject involves 'so many important considerations, such as 'the rights and duties of landlords, the ob-'ligations of tenants to fulfil the covenants 'of their leases, and the claims of tenants 'upon humane and indulgent treatment by 'their landlords, that the Committee have 'not been able to discover any plan by 'which the tenants removed may be alto-'gether protected from being exposed to 'severe hardships. But at the same time, 'the Committee are of opinion, that a plan 'may be adopted which would go far to 'alleviate the distress too commonly ex-'perienced by the poorest class of land-'occupiers in Ireland.' Their Lordships would perceive by this Report, that the main cause of the disturbances and agitation was the state of the relation between landlord and tenant in Ireland; and in addition two other causes were assigned. The first was the extent to which vagrancy and mendicity prevailed; and lastly, the immoderate use of spirituous liquors; but the Report was silent entirely upon the subject of the Vestry-cess, on account of which the noble Earl had called upon their Lordships to acquiesce in this Bill as a compensation for the recent suspension (he must admit a justified suspension) of the Constitution. Thus it appeared, that in August last, the Committee was unable to find any sufficient excitement to prevail on the subject of the Vestry-cess, to induce them to take the least notice of that impost in their Report. He had alluded to the evidence of Mr. Leslie Foster, contained in a former Report; but that gentleman had given also some evidence as to the effects of the Vestry-cess, and when asked whether it was regarded generally as a grievance, had said, 'that where it was not necessary to build new churches, the amount of cess was very trifling—something like one penny and a fraction per acre; but where it was necessary to build new churches, an additional rate was imposed, varying from 2*d.*, 3*d.*, and 4*d.* to 1*s.* per acre; and in the latter case, he thought it had excited dissatisfaction.' Mr. Leslie Foster then spoke of the generous conduct of the noble Marquess below, (then Marquess of Lansdown) in his character of landlord, to which he had just before referred; to which also other witnesses deposed. He would also beg to refer their Lordships to the evidence of another estimable witness, Colonel Currie, the agent of a noble Duke (the Duke of Devonshire) whom he did not see in his place. Colonel Currie expressed before the Committee his opinion to be, that if the Church-rate were paid by the landlord, it would remove all cause of complaint on the part of the tenants. He could not avoid regretting the absence of the noble Duke, because he thought it would be impossible for the noble Duke to deny the proposition of his own agent, namely, that the cess should be fixed upon the landlords. It was stated, on the best authorities, that not less than two-thirds of the whole landed property in Ireland was held by absentees, and this fact was an ingredient to be taken into account upon the present occasion. He must also quote another evidence on the subject of Vestry-cess, viz., Dr. Murray, the Roman Catholic Archbishop of Dublin. Dr. Murray had, in his evidence, said, that if the Church-rates, instead of being made a charge upon the occupying tenants, were charged upon the landlords, he was induced to think it likely that dissatisfaction would cease. He (the Bishop of Exeter) would admit, that this evidence applied to the state of things existing in Ireland some years ago, but these admissions lost nothing by the lapse of time, but were equally valuable on the present occasion, for they admitted the point of right and justice. With the evidence, however, he had not yet done, for he would quote the testimony of Mr. O'Connell upon this topic. Mr. O'Connell was asked before a Committee of the House of Commons, whether, if Roman Catholics were admitted to the right of voting in vestries, it would not be found very difficult to pass any question relative to the building or repairing of churches, and he answered that he did not think that any fair course in this respect would be resisted. Mr. O'Connell then stated some case of an

unfair burthen being imposed, but added, that he was convinced, in a fair case, such an object would not be resisted, for, in his opinion, where there were any Protestants, there ought to be a place of worship for them as convenient as possible. But Mr. O'Connell was neither the last witness nor the highest authority. He would refer to the Report of a Select Committee, appointed by the House of Commons in 1830, to inquire into the state of the poor in Ireland. The Committee said, that 'They have applied themselves to the collection of such 'a mass of facts as might enable the House 'hereafter to form correct opinions on the 'state of the poorer classes in Ireland, and 'the best means of improving their condition.' The Committee mentioned the injury that had been done by sudden transitions from one system to another. But what remedies did they propose, and what did they state about the abolition of Vestry-cess? They said that 'The Grand Jury 'taxes, or County-rates, which, from an 'annual sum of 470,106*l.* have, since the 'Union, augmented to upwards of 800,000*l.*, 'now constitute the heaviest burthen to 'which the occupiers of land in Ireland 'are subject. In their effects on the general industry of the country, in opening 'access to markets, and facilitating agricultural improvement and commercial enterprise, the presentment laws are most important. They also exercise a powerful 'influence upon the moral habits of the 'people, upon the rate of wages, and the 'demand for labour. From these observations it must appear, that an inquiry into 'the condition of the poorer order in Ireland would be incomplete, if carried on, 'to the exclusion of the Grand Jury 'system.' Now the Vestry-cess did not amount to one-twelfth part of the above grievance. The Committee went on to say, that 'These taxes are imposed by the 'Grand Jurors, or principal landed proprietors; they are paid by the occupying 'tenants, in many cases the poorest classes 'of cottier peasantry; they are expended, 'to a certain extent, in roads and bridges, 'which frequently add a considerable value 'to the estates of the Grand Jurors and 'other inheritors of land; but the pecuniary means of completing these improvements are furnished by those who 'have a less direct and permanent interest 'in the soil. It is true, that these, like other 'burthens, cannot be altogether lost sight 'of by the tenant at the time that he takes 'his lease, but the extreme eagerness to 'obtain possession of land renders such 'calculation but an insufficient protection; 'besides which, the rapidity with which 'this branch of taxation has augmented, 'and the various subjects to which it has 'been applied by subsequent laws, and 'which could not have been taken into 'consideration, make it quite impossible for 'either landlord or tenant to form any accurate estimate on the subject. In 1790, 'the Grand Jury rates of Limerick amounted to 7,422*l.*; in 1829, the same tax had 'reached 34,324*l.* Such augmentation was 'not accompanied by any proportionate rise 'in agricultural produce; nor could it have 'been in the contemplation of a lessee 'entering into a contract in 1790. Your 'Committee have no hesitation in expressing their decided opinion, that as a check 'upon expenditure, and a security for the 'rigid examination of accounts, in the execution of public works, the occupying 'tenant should, in the case of all future 'contracts, be relieved from the burthen of 'paying the entire county assessments; 'and that such assessments should, in the 'whole or in part, be imposed upon the 'landlords. It may be expected that this 'arrangement will render Grand Jurors 'more vigilant in preventing an undue increase of taxes, which will fall directly on 'themselves: and it will be their interest 'to have the public works executed with 'skill and with economy, in order to 'obviate the necessity of new and augmented expenditure for repairs. Under 'this alteration of system, the imposer will 'also be the payer of the tax, and the person who is permanently benefited by the 'work, will be compelled to furnish the means 'for its execution. The policy of making 'this change has been more than once recommended to the consideration of Parliament.' The Committee concluded by saying, "that no time should be lost in carrying this suggestion into practical operation." Now, he apprehended, that he was not mistaken when he said, that three years since that Report was made had passed without that recommendation having been carried into effect. He understood, it was true, that a Bill bearing on this subject had been brought forward in another place. [Earl *Grey:* It is now on the Table of this House]. Be it so; yet it was undeniably true, that three years had elapsed without that recommendation being acted upon. The same Committee also recommended an Amendment of the Vestry Acts, which they stated as calling for revision and

reform. This revision took place under Mr. Goulburn's Bills, though it was omitted to provide, as had been recommended, by a statement in a schedule to those Bills, for the precise purposes for which the assessments should be raised and levied. Thus had it been contended in the House of Commons, so late as 1827, that on general principles the burthen of Church-rates should be imposed on the lessors rather than the tenants, and peculiarly so in Ireland. The general principles to which he alluded were the principles of equity and justice, because, as the majority of the population were dissentients from the Established Church, he would impose upon the landlords the duty and burthen of building and repairing Protestant places of worship. The same Report recommended a series of measures, with a view to relieve the distresses of Ireland, for the serious and early consideration of the Government and the Legislature. The 13th measure so recommended was a Bill to amend the laws relative to Vestries in Ireland, by defining the purposes for which parochial rates should be imposed and levied, and to relieve the occupying tenants from payment in case of future contracts. Their Lordships might now, perhaps, be curious to know how this Committee, from which these recommendations had emanated, had been constituted. It appeared, from the Journals of the House of Commons, that on the 11th of March, 1830, the Committee was appointed on the Motion of Mr. Spring Rice, who, as was usual, nominated the Members; and it consisted of Mr. Spring Rice, Sir John Newport, Lord Milton, Mr. Lamb, Sir Henry Parnell,—then followed some other names, which he would not fatigue the House with repeating—and afterwards came Lord Althorp, the noble Lord who had introduced the Bill in the other House, Mr. C. Grant, and Lord John Russell, all of whom were now Cabinet Ministers, and though acquiescing in this Report, had sent up the present Bill as a compensation for the suspension of the Constitution in Ireland. The next name was that of one not yet a member of the Cabinet, Mr. O'Connell; then came that of Lord Palmerston; and lastly, the name of the right hon. Gentleman who had taken upon himself the whole responsibility of this Bill, and claimed the lay patronage of it—Mr. Stanley. Thus was the Committee composed of all the Cabinet Ministers in the other House, with the exception of the right hon. Baronet, the First Lord of the Admiralty, and that Committee had agreed in saying, that the Vestry-cess ought to be imposed upon the landlords rather than the tenants. Were those noble Lords and right hon. Gentlemen so much the spoiled children of that fortune which had made them the Ministers of this country as to be able to throw aside one measure for the purpose of carrying something else? Such conduct was behaving like spoiled children, and he doubted whether their Lordships would acquiesce in such a course. It might be said, that in the Bill now before their Lordships other objects were contemplated besides the Vestry-cess, and for those so much was to be taken away from the Church. Those objects were the augmentation of small livings, and to secure the efficient performance of the service of the Church and its stability. Of these points he thought he had disposed, for he had shown, that there would be no funds for carrying any of these objects into effect; on the contrary, all the funds under the Bill were taken to supply the place of the Vestry-cess; but even supposing there might be a surplus, he must remind their Lordships, that a tax was to be imposed on the clergy. There was another source of revenue also looked to—namely, the suppression of the bishoprics, which was thought necessary by the authors of the Bill, in order to supply the place of the Vestry-cess. It was commonly supposed, nay, had been often asserted, and was generally believed,—that the property of the Bishops of Ireland was in fact property which had been transferred by Acts of Parliament from the Roman Catholic to the Protestant Bishops, and it was argued, therefore, that an Act of Parliament could again make the transfer. The fact, however, was, that no such transfer had ever been made, nor were there any such Acts of Parliament. In truth, when Henry 8th threw off his allegiance to the Pope, his example had been followed by almost all the prelates of that day, with the exception of some few whose memories he (the Bishop of Exeter) honoured as having sufficient principle to resist. The Archbishop of Armagh and some of his suffragans did so resist; but the majority of the Bishops did outwardly conform, and by their hypocrisy retained the possession of their sees; and how had they used them? They leased out their lands, and acted in such a way as tended to enrich themselves and relatives, while they impoverished the Reformed Church. This had been alluded

to by a reverend prelate, Bishop Jeremy Taylor, who said:—'The Popish bishops 'and priests seemed to conform, that keeping their bishoprics, they might enrich 'their kindred, and dilapidate the revenues 'of the Church; which, by pretended offices, 'false informations, fee-farms at contemptible rents, and ungodly alienations, were 'made as low as poverty itself, and unfit 'to minister to the needs of them that 'served the altar, or the noblest purposes 'of religion.' An ecclesiastical historian also complained, that at the time in question, the episcopal sees were so wasted, that they were utterly incapable of maintaining the Bishops appointed to them. That had been one of the chief causes of the unions of sees which then took place. In consequence of that, adopting a suggestion that had been made originally by Cranmer, Lord Strafford had a Commission issued for the purpose of devising means for making suitable provision for the maintenance of the Bishops in Ireland. The result of that Commission was, that a large portion of the lands in the north of Ireland, forfeited in the rebellions of Tyrone and others, was appropriated to the support of the Bishops there. Their Lordships were aware, that at that period the whole of the north of Ireland was forfeited to the Crown, which made the foundation of the great Protestant settlement of Ulster. It was on that occasion, that so many of the ancestors of noble Lords now sitting in that House received from their sovereign those vast properties which their descendants now held in the north of Ireland, and the Bishops of the province of Ulster were then also enriched from the same source. He was sure, therefore, that their Lordships would see, that the Bishops of Ulster had the same undoubted right to the property which they had derived from that source, as those noble Lords had to the property which they had in the same way obtained in the north of Ireland, and that, if their Lordships should be ill-advised enough to shake the opinion as to the right of property possessed by the Bishops there, they would not merely be sacrilegious plunderers of the property of the Church; they would be destroyers of their own property. Their Lordships were too wise as well as too honourable to do that. He did not believe, that their Lordships would be either. But it was not merely in the north of Ireland that the revenues of the Bishops were not derived from a property which had been transferred to them from the hands of the Roman Catholic Bishops, but was property with which they had been endowed by a Protestant King. That endowment had also been extended to parts of the south of Ireland. It so happened, that by the 14th and 15th of Charles 2nd, which was well known as the Act of Settlement in Ireland, a large portion of the forfeited property was given to the Bishops in the southern part of Ireland. The right reverend Prelate having read the 102nd clause of the Act, to the effect he had stated, went on to say, that their Lordships would see, that the rights of those Bishops were placed exactly upon the same footing as the rights of those noble Lords who inherited property under that Act. It somewhat remarkably happened, that by the very preceding clause of this Act, the 101st, a large property in the south of Ireland was settled upon the ancestor of one of their Lordships. The right reverend Prelate here read the clause, which settled a large portion of the forfeited lands in the south of Ireland upon Sir William Petty, his heirs and successors. Their Lordships would perceive, therefore, that the noble Marquess (Marquess Lansdown) one of the authors of the present measure, and one of those who recommended the sequestration of the property of the Bishops in that part of the country, was himself possessed of lands there, the right to which rested upon exactly the same foundation as the right of the Bishops to their land. He would venture to advise that noble Marquess—but no—he would recall the word—he would not presume to advise him what to do, but he would state what he himself would do were he placed under similar circumstances, and were this measure carried. He would, under such circumstances, sell all his property in that part of Ireland, being well assured, that the same fate which he himself had dealt to the property of the Bishops there would ultimately fall upon his own. Their Lordships would perhaps think seriously of the advice which he presumed to give them in this instance—he begged pardon, he should not say advice—he would say the suggestion which he presumed to make to them. It was upon no light or idle grounds that he arrived at the conclusion that such a proceeding would be, on the part of an Irish landed proprietor, an act of prudence. The great agitator of Ireland, Mr. O'Connell, had said, in a recent letter to one of his correspondents in Ireland, that that country did really possess a capacity for maintaining 19,000,000 of

persons, but it would never be found to maintain such a population until the proprietors of the soil should reside upon their estates. He stated further, that in the reign of Edward 3rd, there issued a prohibition against any person holding property both in England and in France, and that until something of the same sort was established with regard to England and Ireland, they could not hope for the prosperity of the latter country. It was his suggestion, that the proprietors of land in Ireland should be compelled to give their property there to their younger sons, or else to sell it; there being, in his opinion, no other way of rescuing that property from destruction. That expression of opinion was uttered by the hon. and learned Gentleman in two days after the second reading of the present Bill in the other House of Parliament, and it was an opinion not to be disregarded. A year ago, Mr. O'Connell foretold, that tithes would be put an end to, and they had been destroyed accordingly. Of Churchcess he also prophecied the abolition, and that prophecy was likewise fulfilled, and why might not he that had denounced the payment of rents to absentees, in like manner, procure their abolition? First, he denounced tithes, and they were gone; secondly, he announced that he would, with a view to the improvement of Ireland, require, that an adequate revenue be provided for the purposes of public charities; thirdly, he proposed to make a provision for the Protestant clergy, which should correspond to the numbers of the flocks of which they had the care; fourthly, it was his intention to provide glebes and houses for the clergy of all persuasions; fifthly, he was to have a local and domestic legislature, with the view, as he alleged, of establishing upon a firm basis, the connection of the Crown and people of England with his own country. What further that Gentleman proposed, God only knew; but one thing at least was certain, that those things which he foretold had come to pass; and all he should then say was, that when that well-known individual began to talk of absentees, they had better look to their rents. He had hitherto spoken of the proposed diminution of the number of Bishops on the lowest possible ground that he could take up—namely, the pecuniary ground; but there were other, and much graver considerations connected with that subject. The Bill which he held in his hand proceeded most modestly to say in its preamble: —"Whereas the number of Bishops in Ireland may be conveniently diminished." Conveniently!—to whom? and for what? Could noble Lords and right hon. Gentlemen imagine that that could be conveniently done for the purpose of attaining that which most reflecting men regarded as utterly impossible—to silence clamour, and gratify greedy faction, by yielding to its desires? It might be convenient to some to sacrifice the ancient Episcopacy of Ireland; but could it be convenient to the faithful counsellors of a Protestant King, which their Lordships were?—could it be "convenient" to those who were entitled to give advice to their Sovereign, and who were bound to give him just and proper advice, to advise that Sovereign, who had sworn in the most solemn manner to maintain to the utmost of his power the Protestant religion as by law established, to preserve to all and every Bishop his existing rights and privileges, and to maintain inviolate the settlement of the Protestant Church in Ireland?—could it be "convenient," he repeated, to the hereditary advisers of such a Sovereign to join with those who had recommended him to give his assent to a measure that went to suppress nearly half the episcopacy of Ireland? The noble Earl had given them several reasons for adopting this measure. One of his strongest was to be found in the disparity to be observed, taking the superficies of the two countries into account, between the number of Bishops in England and in Ireland. There were twenty-two Bishops in Ireland, and twenty-six in England, and he believed the proportion which the superficies of the two countries bore to each other was as eighteen to thirty. It was certainly true, that there was a great difference between the episcopacy in the two countries, but might it not arise from the number of Bishops being too small in England, rather than from the number being too large in Ireland? [*a laugh.*] Noble Lords near him might laugh at that supposition, but it was not one wholly destitute of authority. The noble Earl had certainly told them, that he had never heard it complained of, that the number of Bishops was too small in England; and that assertion of the noble Earl had greatly surprised him, for he had often heard, as well as read, complaints on that subject. At the Reformation steps were taken to augment the number of Bishops in this country; and some of the grounds on which Henry 8th recommended the abolition of the monasteries was, that their revenues might be

appropriated to the purposes of endowing new bishoprics. He proposed to endow sixteen new bishoprics, but he finally endowed only six. One of those new sees, the see of Westminster, in consequence of the prodigality of an apostate incumbent, shortly after fell back again to the see of London, and it was on that occasion that a common proverb, now so well known, had its origin. The small portion of the property of the see of Westminster that was left was then given towards the defraying the expenses attendant on the repairing of St. Paul's Cathedral, and the giving of it to that purpose caused the saying of "robbing Peter to pay Paul." If Henry 8th, on the occasion in question, had followed the advice then given to him by a man whose advice he sometimes followed, Archbishop Cranmer, he would have endowed sixteen new bishoprics in England; and if that had been done, instead of there being twenty-six, there would now have been thirty-seven Bishops in England. It was remarkable that in that case the proportion of the number of Bishops in England to the number of Bishops in Ireland would exactly tally with the respective proportion of the superficies of the two countries, with the excess of a fraction in favour of the Irish establishment, thirty-seven being the same proportion nearly to twenty-two, as twenty-six was to eighteen. The Church of Ireland, in that case, would have conformed to the standard which was recommended for England, supposing that the views of the Reformers with regard to the increase of the number of Bishops in England had been carried into effect. The noble Earl had also derived what he considered a strong argument, from the disparity between the number of incumbents under the superintendence of individual Bishops in Ireland and Bishops in England. In another place, too, he found that a noble Lord, who had the management of this measure there, had stated in his speech on introducing it (according to those sources of information to which their Lordships had access for the purpose of knowing what passed in that place), that he was determined to remove from the Church of Ireland the scandal of having so many Bishops with such small sees, and such still smaller congregations in the Churches. The noble Lord might spare himself that trouble. If this measure should not now pass, the noble Lord would have only in his leisure hours to refer to the pages of the New Testament, and there he would find that many Bishops were appointed with much smaller sees committed to their superintendence than were to be found in Ireland. The noble Lord might see from that book, that the episcopacy established in Ireland was, in point of numbers, not extraordinarily large, and that there was nothing scandalous in the number of Irish Bishops, but he need not go beyond Ireland itself to justify the Church Establishment. The total number of Protestant clergy in Ireland was 2,300 or 2,400; and the number of Catholic priests under the superintendence of a similar number of Bishops, was (parish priests and curates together) only about 2,000. It was plain, therefore, that the same number of Catholic Bishops in Ireland had fewer incumbents to look after than the Protestant Bishops. Another argument of the noble Earl was as to the small number of the laity under the care of the Bishops in Ireland. But it should be observed, that the duty of a Bishop, as regarded the laity, was not confined to the imposition of hands in confirmation, but that his duty extended to the spiritual condition of all persons in his diocess, whether they belonged to his persuasion or not. The very circumstance of there being a vast Roman Catholic population in their dioceses, imposed heavier duties on the Irish Prelates than if all the population were Protestant. It was the duty of a Bishop to attend to the spiritual wants of all those persons who were the proper objects of his cure; and in the instance of persons, like the Catholics, who were unfortunately estranged from his communion, it was his especial duty to endeavour to win them, by all fair and fitting means, over to it. That was what rendered the duties of Bishops so heavy in such a country as Ireland, and that those duties had been adequately performed, was, he was happy to say, quite notorious. He would not offer his own testimony on such a point, but he had no objection to give their Lordships the authority of a clergyman of distinguished ability. The right reverend Prelate here read an extract from a pamphlet written by Dr. Newland, which had been called forth, he said, by an attack made on the Irish Church by a noble Lord, and was styled an apology for the Church of Ireland. The writer stated, that the duties performed by the Bishops in Ireland were in some instances extremely onerous, ingrossing the Bishops' whole time. He mentioned one instance where a Bishop was continually employed from seven to eight hours every day in the dis-

charge of his duties. The right reverend Prelate added, that that Bishop would by this measure have another and additional diocess given to him to superintend. He then referred to the evidence given before the Commons' Committee by the Rev. H. Cooke, moderator of the synod of Ulster, to show that the number of Protestants in Ireland were greatly underrated, and that efforts were made, by telling the clergymen when newly appointed, that there were no Protestants in their parish to prevent them doing their duty. He thought, therefore, that no argument could be founded on the number of Protestants in Ireland for reducing the number of Bishops because that number was not known, and the smaller it was the more did it increase the labour of the Bishops. He was ashamed of occupying so much of their Lordships' time with these details, but he ventured to think that the importance of the subject would plead his excuse. In addition to what he had already stated, another consideration remained, which could not but be regarded with the deepest concern in coming to a determination on the present measure. What, he asked, would and must be the feelings both of Protestants and Roman Catholics in Ireland, if the Legislature should think fit to pass that Bill? Was it possible that the Protestant religion should be regarded by all parties otherwise than as having lost the countenance and favour of the Legislature? Would it not appear that their Lordships no longer regarded the Established Church as an object worthy of respect and support? Let it be borne in mind that the feelings of Roman Catholics were now very different from what they were wont to be. That class of persons exhibited a port, and assumed a tone, of defiance such as were wholly unknown amongst them a few years ago. The Roman Catholic "Church" was now spoken of, although no long period had elapsed since its heads were content to describe themselves as "Prelates of the Roman Catholic communion in Ireland." The Roman Catholic Bishops so designated themselves when they approached the throne to return thanks to the father of his present Majesty for a measure of kindness and liberality, which might be considered as involving a complete tolerance of persons of that persuasion. But all that was now very much changed, and not only was the Roman Catholic religion described as "the Roman Catholic Church in Ireland;" but Dr. Doyle spoke of it as "the Church" in Ireland, and of the Protestant Bishops as being no Bishops at all, or Bishops merely in name. A work by Dr. Doyle, which was used as a class-book in the study of canon law in the college of Maynooth (a seminary maintained at the expense of a Protestant State) was dedicated—to whom did their Lordships think?—to "the Most Reverend Father in God Patrick Curtis, Archbishop of Armagh, and Primate of all Ireland." A class book on the science of logic, also used in the same seminary, spoke of the illustrious Bishop Berkley as "*in Hibernia pseudo episcopus.*" Here were sufficient evidences of assumption and denunciation on the part of the Roman Catholics. In proof, if further proof were necessary, of the dangerous spirit and conduct of the Roman Catholic priesthood, he should quote the evidence of James Napper, Esq., who was examined last year before the Commons' Committee on the state of Ireland. Mr. Napper was a gentleman of what was called liberal politics, and had suggested various excuses for the priests, yet he was finally compelled to admit that some of them had exceeded their duty, and that their conduct generally was such as to promote a very great degree of excitement and agitation amongst the people. But he would at once read an extract from Mr. Napper's evidence—"You have stated in detail what may appear to you a palliation, or in some degree an excuse, for the conduct the priests latterly have pursued, but you have not stated the conduct of the Roman Catholic priests in your neighbourhood?—In my answer to the question I have endeavoured to take their conduct with regard to their own personal interests, and the personal interests of their flocks, in the country. With regard to their conduct, either as good men or good politicians, I am ready to make any observation or answer that in any way may be wished: perhaps I mistook the object of the question.—The question was with reference to the peace of the country generally? I certainly consider that the Roman Catholic priests, some of them, have exceeded what I should conceive was their duty as priests, and have taken a line of politics which I do not think has tended to their own respectability, and has certainly excited the minds of the people. * * Upon the whole, has their conduct, according to your view, tended more to promote or lead to the disturbance of the peace of the country, upon a fair view of their conduct? I think their conduct generally has

tended to promote a very great degree of excitement and agitation.—How long since have you observed that in your neighbourhood? It existed in some degree when I first came into the country.—Has it increased very much of late? Very much.—Within what time? I should say since Catholic Emancipation was granted.—Do you think that since then the priests have taken a more active part in politics than they had done before? Decidedly.—Do you think that has led to the increase of the excitement you have described? Certainly." So much for the conduct of the Roman Catholic clergy of late years—conduct, the important bearing of which on the present measure must be evident to the House. That measure would encourage those hopes of ascendancy to which the Roman Catholics looked forward, and which was indeed the ultimate end and object of all their schemes and contrivances. A parish priest, the reverend John Burke, of Castle Pollard, had adopted measures which had produced an extraordinary degree of excitement in his parish. Even from the altar, where, according to the principles of his creed, he must believe his God to be corporeally present, was this individual in the habit of denouncing to the hostility of an excited people all the gentry of the neighbourhood, particularly those concerned in the management of the estate of a noble Duke opposite (Buckingham). In consequence of these denunciations, the life of the noble Duke's agent was attempted, but he providentially escaped. Mr. Burke's sermons were so inflammatory, that it became necessary to report his conduct to the Government. By a very proper regulation, an officer attended the chapel in company with the Roman Catholic soldiers, who wished to perform their religious duties there. Ensign Matson was the gentleman who attended; and after having mentioned Ensign Matson to Mr. Burke, he was asked by the Committee, 'Do you 'recollect, in his presence, on the first Sun-'day he went in charge of the soldiers, 'your having made allusion to the Pro-'testants of Ireland in words to this effect—' "Boys, the tottering fabric of the heretics 'is falling around us, while the Catholic 'religion is rising in glory every day; 'Ireland was once Catholic, boys,—it will, 'and it shall, be Catholic again?"—The 'word "boys" I did not use. I said, "the 'tottering fabric of heresy was falling 'around us, while the Catholic religion was 'rising in glory," undoubtedly. On the 'next Sunday, when that gentleman was 'on duty, do you recollect words to the 'following effect having been made use of 'in the chapel—"Boys, I shall want you 'to attend here half an hour after mass, to 'inform you of what took place at the petty 'Sessions, saving your presence, last Wed-'nesday?" — Yes. "We shall follow 'that up, and see if the police of Ireland 'are to trample on the people?"—I believe 'I did. I did not use the word "boys."' This temper and disposition was not confined to the Roman Catholic priests, it extended to the members of the hierarchy. The right reverend Prelate proceeded to quote from the *Ballina Impartial*, and from a private communication, in which it was stated, that Dr. M'Hale, Roman Catholic Coadjutor Bishop of Killala, had recently preached a most extraordinary and violent sermon, abusing the Church, and anticipating its approaching destruction. This effusion was described as being calculated to inflame the worst passions of the people. It attacked the Government, the magistracy, and the constabulary, and enjoined union amongst the Roman Catholics, promising, that if they adopted that recommendation, they would be relieved from the constables within three months, and have every thing their own way. Dr. M'Hale rejoiced greatly at the destruction of the Church, and at the proposed reduction of the Bishops. At the commencement of this tirade, the military were very properly ordered out of the chapel and marched to their barracks, but the police were suffered to remain, a circumstance that was noticed as blamable in the newspapers, which gave an account of the transaction. He declined stating publicly the name of his informant, who was one of the first gentlemen in the county; but he had no objection to place the letter he had received in the hands of the Secretary for the Home Department. If this Bill took effect, Dr. M'Hale would be the only bishop of Killala, for the Protestant bishopric of that name would be incorporated with another see. Dr. M'Hale had referred to the reduction of the Protestant Bishops, who having been appointed by the Crown and Parliament might, in his opinion, be fairly dispossessed by the same authority; but he argued that the Roman Catholic Bishops, not being appointed by any such power, could not be dispossessed in like manner. In fact, Dr. M'Hale must have been extremely well acquainted with the provisions of this Bill, which was the first instrument ever laid before mankind

by which any human power dared to do that that was here attempted; namely, to make a man be a Bishop by its own act, whether that man had accepted, or was willing to accept, the charge or not. To his brethren who might be disposed to vote for the second reading of this Bill, if any such there were upon that right reverend Bench, he suggested the importance of considering that the direct tendency of the measure was to make men who refused to accede to it, and had petitioned against it, Bishops of certain dioceses, whether they would or not. He asked his brethren upon what principles of Christian doctrine or discipline was that to be endured? He denied their Lordships' right—he denied their power to do this. He denied the power of any human authority whatever, to force a man to be a Bishop against his will. He was not at at all surprised that this should move the mirth of noble Lords; it being quite natural that they should indulge in laughter in relation to a matter which they had already treated with so much levity. He repeated, that the Legislature had no right or power to compel the Bishop of A to be also Bishop of B. The Bill said, that "the Archbishops or Bishops named should, at the times mentioned, become, by virtue of this Act, and without further grant, installation, or ceremony whatsoever, Bishops respectively of the bishoprics also named." The bishopric of Waterford was now vacant, and the Archbishop of Cashel, who had petitioned against the Bill, was to be obliged, in spite of his disinclination, to undertake, in addition to the archbishopric of Cashel and Emly, the charge of the secs of Waterford and Lismore. He must notice the union of Kilmore with Elphin, the noble Earl having made use of a former separation of Kilmore from Ardagh and their subsequent reunion as a precedent for the present changes. How came Kilmore and Ardagh separated? Upon this ground, because Bishop Bedel, one of the best men who had ever adorned any Church, thought it right to resign Ardagh, rather than hold it in conjunction with Kilmore. But the Bill, if it took effect, would not only unite two sees, one of which the apostolic Bishop Bedel refused to hold in plurality, but it would join to them the important diocess of Elphin. So much for the noble Earl's precedent. This proposition had been mooted and very properly described before. Some years ago a Motion was made in the other House of Parliament, embodying in a resolution a plan somewhat similar to the present. A right hon. Gentleman then described that proposition as one which, "if meant as a measure of conciliation, would be ineffective." He said, "if it were meant as a measure of conciliation, he would ask the House what single advantage it was calculated to give to the Roman Catholics of Ireland? The public mind had been prepared for some such proposition as the present by anonymous statements, reiterated insinuations, and unfounded exaggerations; and a formal attack was now for the first time made on the Established Church, in a point where it was supposed to be the most vulnerable, under the specious pretext of affording relief to Ireland. It was at present only proposed to clip the wings of the Church, and exhibit her in an humbled condition to her rival."* Strange though it might appear, that same right hon. Gentleman took a large share in framing this Bill, though he had thus strikingly described its effects by anticipation on a former occasion. In the conflicting authorities which had been quoted of that right hon. Gentleman, he should prefer that of the right hon. Gentleman's early opinion. He was, he would admit, at all times distinguished for great talent and great public and private worth; but at the period to which he had alluded, the right hon. Gentleman had not mingled in official life, nor learned to accommodate his feelings to official duties. He had not directed the current of his exalted morality into the crooked and narrow ways of political expediency; but it flowed fresh and vigorous, fresh from the generous source at which he had imbibed it. The right hon. Gentleman had not then stooped his high head to the dull level of ordinary men. At that time he had not come in any degree under the influence of that great arch-agitator of Ireland—that enchanter, that Prospero of Ministers, from whose power it was not so easy for them who had gone within its influence, to escape, and who, whether he addressed his victim in the light and playful tones of the "Dainty Ariel," or in the rough and sullen language of growling Caliban, was almost equally certain to have them do his bidding. He would next say one word as to the Commissioners who were to be appointed under this Bill. Three of these might be, and most probably would be, laymen; but, whoever they might be, they were to have the power of nomination to the cure of

* Hansard (new series) xi., p. 561.

souls. This was not only without example, but was contrary to all principle. If he were disposed to take a lower view of it, he might ask whether there was an instance of forming a corporation, eight out of eleven of whose members were removable at pleasure? This, however, was so trifling a part of the Bill, compared with those other parts to which he had referred, that he did not feel it necessary to waste their Lordships' time by dwelling further on it. One thing which greatly surprised him with respect to this Bill was the quarter from which it came, considering the opinions delivered on former occasions. The noble Earl at the head of the Government, and who took a zealous, active, and consistent part in the discussions on the Roman Catholic Relief Bill, urged as one of the arguments in support of that measure, that it would tend to increase Protestantism in Ireland—that it would remove those causes which then tended to press down Protestantism in that country—and that when that pressure was removed, it would spring up with redoubled force. It was, at the same time, urged by many other noble Lords who took part in that discussion, that the passing of that Bill would be the means of removing many difficulties with which Protestantism had to contend in Ireland, and that it would create friends for the establishment where it before had enemies; that, at all events, it would afford this security to the establishment—that no one would, after it passed, dare to be a friend to the Catholics in any attempt against that establishment. In a published letter written by a noble Baron (Lord Holland) about the same period, and addressed to the reverend Dr. Shuttleworth, it was asked, whether the Catholics would give up all desire to attack or injure the Protestant Establishment, and the answer was supplied by the noble Baron himself, who asserted that they would; and that for more than twenty years before, they had openly renounced any such intention, and had promised that they would not use any power which might be granted to them by the Legislature to the injury of the Established Church. It was the confident reliance on these promises that had produced much of the support given to the question of Catholic Emancipation. It was the same confidence which made the noble Baron to whom he had alluded give his promise that he would support the Protestant Establishment with, as he said, all its enormous revenues. He had no doubt, therefore, that he should have the support of the noble Baron on this occasion. By the way, in alluding to the revenues of the Irish Church, it was now put beyond any question of doubt that the most egregiously erroneous statements had been made as to the amount of those revenues. Could those revenues be considered enormous which did not give an average income of 300*l.* a-year to every clergyman of the Irish Church? Another noble Lord (the Lord Chancellor of Ireland) of great and acknowledged authority, had, in a speech delivered on the subject of the Catholic question in 1829, said: 'The right reverend Bench in general have, 'in a manner which reflects credit on them 'as Gentlemen and as Christians, acknowledged the honour and probity of the great 'body of the Roman Catholics. Why, 'then, my Lords, they are willing to 'swear, and by this Bill they are required 'to swear, that they will not use their privileges to disturb or weaken the Protestant Establishment. Now, I really can-'not understand what is meant by saying, 'that a man is amiable, exemplary in the 'discharge of all the duties of life, and that 'he is a most worthy moral character, 'and yet that you will not believe him on 'his oath?'* Unhappily, the Legislature did believe his oaths, and what was the result? The noble and learned Lord had added, on the same occasion: 'Millions of 'people desire admission to the privileges 'of citizens, from which the argument I 'have now to deal with admits they ought 'not to be excluded on mere political 'grounds. They do not seek to meddle 'with any of the rights or possessions of 'the Church, and they offer to bind themselves by solemn oaths, not to use their 'privileges for the purpose of doing so 'directly or indirectly.'† 'My Lords, every 'Roman Catholic well knows, that the 'Protestant Establishment of Ireland is in-'dissolubly wound up with the Establishment of England, and that neither the 'Church of England nor the Government 'of England will ever permit the Protestant Church of Ireland to be subverted. 'My Lords, I take upon myself to say, 'that such extravagant notions, which 'could not be accomplished without 'heaving the British Empire from its 'centre, do not enter into the contemplation 'either of priests or laymen of that persuasion.' That was the language of the noble

* Hansard (new series) xxi., page 376.
† Ibid. xxi. p. 379 and 377.

and learned Lord, who, relying on the promises of the Catholics, sought for them equal privileges with their Protestant fellow-subjects. He was not surprised that the noble and learned Lord should have had such confidence in the promises made by the Roman Catholics. What was the oath which they were called on to take by the Relief Bill before they could take a seat in Parliament? It had these words—"And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, as settled by law, within these realms; and I do solemnly swear that I will never exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in the United Kingdom; and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever." Now, any man who took such an oath as that, and who was honest and meant to observe what he swore, would studiously abstain in his legislative capacity from doing that which would subvert or tend to subvert or injure the Protestant Establishment. Yet, after such a solemn test, he would beg their Lordships to consider what had been the estimate made of its obligation by many of those who had taken it. He would not refer more particularly to the language used in another place; but their Lordships must have observed, through the ordinary channels of communication, how lightly some individuals seemed to think of the obligation which they had undertaken by the oath he had read, and how strongly disposed they seemed to set that oath at nought. It seemed to be the opinion of those individuals, that as long as they did not interfere with the articles of the Protestant faith, they kept their oath, though they could not be ignorant that it was intended by those who drew up that oath, that it should not only prevent those who took it from acting injuriously to the Established Church, but that it also bound them to act with kindness towards that Church. He thought, that those Gentlemen were bound even by their voluntary pledges. He would remind their Lordships of a petition presented to Parliament in 1809, and signed by several distinguished Catholic peers of Ireland, such as Lords Fingall, Gormanstown, and Shrewsbury, and by many other members of the Catholic body of that country, and amongst them it had the signature of Mr. O'Connell. The parties who signed that petition declared that they had no intention or desire to use any privilege they might acquire, to injure or weaken the Protestant Establishment of Ireland. The petition was afterwards printed with notes, and in those notes the same opinions were strongly avowed. In one of them, referring to the passage of the petition he had alluded to, it was stated, that the Catholics were, by that clause, pledged to the maintenance of the Protestant religion and government in Ireland as firmly as the Protestants themselves. Another part of the petition stated, that the petitioners did not wish in any manner to encroach upon the rights, privileges, immunities, and revenues of the Protestant clergy; and in a note to this passage, it was stated, that this pledge of the petitioners comprehended the words of the Coronation Oath; the petitioners declaring that it was not the intention of the Roman Catholics to infringe the sacred rights and immunities which the King, by his Coronation Oath, had solemnly bound himself to preserve to the Protestant Bishops and clergy. Yet, notwithstanding this declaration, subscribed, as he had stated, with the name of Daniel O'Connell, he (the Bishop of Exeter) held in his hand a recent letter from the same individual, recommending that in future there should be no more Protestant clergy in Ireland than were necessary for the Protestant population. He would allow the present incumbents of parishes in Ireland to remain as they were; but for the future, he would allow only as much as would support that number of clergymen as the Protestants might want. He had already alluded to the oath taken, and, as he would take leave to say, violated by Dr. Doyle, and he would not dwell further upon it then; but when their Lordships saw some of the heads of the Catholic Church in Ireland, such as Dr. Doyle and Dr. M'Hale, show such a disregard for the obligations of an oath, could it be expected that their flocks would be more observant of them? What might be expected from that, actually occurred. Experience confirmed what reason anticipated, and there was, though it was deeply to be lamented, a total disregard of oaths amongst the Catholics of Ireland. This was proved by the evidence of many respectable individuals who had gone some of the circuits of Ireland, and who had constant opportu-

nities of noticing this great disregard of oaths amongst the Catholics. They had the same fact attested by the evidence of a Roman Catholic priest, Mr. Collins, who admitted, in his examination before the other House of Parliament, that this disregard of oaths existed; and being asked to explain the cause, he attributed it to the poverty and ignorance of the people, and also to the conduct of landlords and their agents, who, in getting the people to vote at elections, showed, though moving in the ranks of gentlemen, as great a disregard of the moral obligation of an oath as their more humble and less educated dependents. He was asked whether much of this feeling amongst the poorer classes did not arise from want of proper instruction; and he admitted, that there was a great deficiency amongst them in that respect; but he added, that none of them were so ignorant as not to be aware of the nature and obligation of an oath. These were strong facts, and he would ask, if the people showed no regard for the obligation of an oath, how could it be expected that they would honour the law? It was unfortunately notorious, that they had no respect for it—that they considered it meritorious in some cases to evade the law, and that they connected no moral obligation with its observance. Was this from ignorance? He rather feared that it was from too much instruction of a particular description, and from those who, possessing great influence, ought to have used that influence in a different direction. The celebrated pastoral letter of Dr. Doyle was, no doubt, familiar to most of their Lordships; but he could not avoid reading a few passages of it as an illustration of the pernicious kind of instruction conveyed to the people by those who ought to have given a very different kind of advice. The right reverend Prelate read the first passages of the letter, in which the writer spoke of the distress from the tithes, of the disturbances which existed, and the necessity of being peaceable, and his hope that the Legislature would take their case into consideration; with all of which the right reverend Prelate said no fault could be found; but the letter went on to say: 'I 'was withheld from addressing you by the 'hope which I have long cherished, and 'which I still cherish, of seeing your con-'dition improved, and the causes as well as 'the pretences of your criminal combina-'tions removed. I hoped to hear of your 'real grievances being candidly considered 'by the Legislature—of a provision being 'made by law for the poor and destitute of 'you—of means of employment being fur-'nished to you, especially to such of you as 'were cruelly ejected from your holdings;—'I hoped all this, and that no man or woman 'could reproach me, when exhorting you to 'peace by thinking within themselves, or 'saying to me in words, "Do you wish us 'to sit down, and die of hunger? Do you 'tell us from the Gospel, which the Lord 'has commissioned you to preach, that a 'man is obliged to starve in the midst of 'plenty, or that any law can be justified 'which banishes as a malefactor, or hangs 'as a felon, a man able and willing to work, 'but who, unable by any lawful means, to 'preserve himself and his children from 'starvation, employs such means as occur to 'him to supply himself with food? If, in 'England, where the law proclaims that no 'man shall want a sufficiency of food—'where every honest man, if disabled or un-'employed, is invested by the law with the 'right to support for himself and his chil-'dren—if in England, where the law of 'self-preservation (the first law of nature) 'is there upheld and enforced by the laws 'of the State—if in England, where the 'poor are so justly protected, men combine 'to violate the rights of property, let them 'be reproached as wicked, and punished as 'criminals; but until, in Ireland, the first 'law of nature is recognised; but until in 'Ireland the law proclaims, as it does in 'England, that no man, woman or child, 'shall perish of want,—do not endeavour 'to persuade us that our duties and obliga-'tions are the same as the duties and obli-'gations of those whom the laws of Eng-'land, which should also be our laws, 'cherish and protect. You speak to us of 'the punishment which awaits us. What 'punishment can be greater than to die of 'hunger? You remind us of the affliction 'we bring upon our families. What afflic-'tion can surpass that of a mother and 'children driven in a state of utter des-'titution from the fire-side and threshold 'of their homes, to wander friendless and 'hopeless through a world that rejects 'them, till hunger and disease strike them 'to the earth, and death comes to absolve 'them from their sufferings. Go; tell the 'husband, the father, the brother, who has 'witnessed this scene, that he is a criminal 'if he revolt against such an order of things, 'and he will reply: You are not a mi-'nister of Christ, but of Moloch; for it is 'by Moloch, and not by the God of the 'Christians, that such bloody sacrifices are

'required?" Deterred (he added) by such 'arguments, I have not remonstrated with 'you as I ought, though I have often told 'you that your ways are evil. Even now, 'when I am forced to put away all doubt 'and hesitation, I do not pretend to disprove 'your arguments, of which a great many are 'founded on truth and justice.' This, be it observed, was the language of a Roman Catholic Bishop, addressing his flock on the subject of their criminal practices. Dr. Doyle went on indeed to state, that their practices were wicked, because it was not only their own sufferings, but the sufferings of others, which they increased by them. Their resistance to the law, he told them, was wicked and vain—wicked, because it did nothing but confirm the power of their oppressors—vain, because the unorganized efforts of a mere rabble never could overthrow the authority of the State. He (the Bishop of Exeter) would not quote further from this document; he would merely remind the House, that this extract was taken from the letter in which the right reverend Prelate taught the population that their resistance to the law of tithes was not criminal, and that submission to a penal law was all that was required from a subject. The right reverend Prelate quoted the authority of Blackstone to bear him out in that opinion; but their Lordships were well aware, that Blackstone said no such thing. The doctrine which Blackstone had laid down was most unsound; but even the doctrine of Blackstone did not go to the iniquity of Dr. Doyle, for all that Blackstone said was this —"In relation to those laws which enjoin only positive duties, and forbid only such things as are not *mala in se*, but *mala prohibita*, merely annexing a penalty to non-compliance, here I apprehend conscience is no further concerned than by directing a submission to the penalty in case of our breach of those laws." Now, if that doctrine were true, a man was morally at liberty to incur debts to any amount, provided he would submit to the penalty of imprisonment. In other words, the right reverend Prelate taught the people to disregard the obligations imposed upon them by the law of the land, and the moral obligations of conscience. That a populace thus taught should disregard moral obligations was to be expected, and was proved to be the case. There was, he was sorry to say, in Ireland, not merely a disregard of honour and honesty, and of all morality, but of still higher duties. Sir Hussey Vivian, in the opinion he stated in evidence before the Committee of the House of Commons, used this language—'In offering an opinion on 'the state of Ireland, there is one thing I 'should wish to notice, and that is the extraordinary carelessness of human life 'amongst the lower classes. I have endeavoured, as far as possible, to find out 'whence it arises that men who appear so 'kind in their dispositions, so grateful for 'any little kindness bestowed upon them, 'as the lower class of Irish generally are, 'should exhibit such little apparent reluctance to destroy their fellow-creatures. I 'have asked the Catholic clergy; I have 'expressed my astonishment that they 'who have such power and influence over 'the minds of the lower classes, do not prevent it; but neither they nor others I 'have spoken to on the subject pretend to 'account for it. It is a very striking circumstance in Ireland, that a disturbance 'scarcely ever arises but you hear of the 'loss of life; and during the whole of the 'disturbances in England (I mean no invidious comparison) there was but one instance in which a hand was raised against 'an individual; it is a matter well worthy 'of the consideration of those who would 'civilize and tranquillize Ireland, to ascertain whence arises this extraordinary difference.' He was then asked: 'Is not the use 'of ardent spirits one of the causes of it?—'This may account for those cases where 'murders take place at fairs; but many 'are committed in perfect cold blood. I 'could mention many instances of this 'sort.' Though this answer did not give a sufficient explanation, he thought that their Lordships might find that explanation in the evidence of another person;—It was that of the reverend John Burnett, a Dissenting Minister of Cork. That Gentleman had, on a former day, given some evidence which he afterwards felt it necessary to correct, or rather to enlarge. Mr. Burnett said—but before he (the Bishop of Exeter) read this extract from the evidence relating to the Catholic religion, he begged to say, with the most perfect sincerity, that while it was extremely painful to him to speak of the outrageous feelings which he believed that religion had caused in the presence of noble Lords who professed that religion, but who were as free from those feelings as men could possibly be, who were as fully sensible as men could be of the impropriety of such feelings, and who, in their own conduct, were actuated by the highest principles of the Gospel;—he said, while it was painful for

him to be obliged to speak thus of those who held the same doctrines as the persons alluded to in the evidence, he felt that his duty compelled him to do so, and that he must proceed—Mr. Burnett said—'The 'view which I took of Catholicity in Ire- 'land was the truth, but not the whole 'truth; and I therefore wish to make a few 'remarks on what I consider to be the 'effect of Catholicity. A question has 'been put to me as to the books used in 'the schools of the professors of that re- 'ligion. I should not be acting fairly if 'I did not state, that most mischievous 'books were used in schools of that de- 'scription. That books of a licentious 'nature were employed in those schools has 'been stated by the Commissioners of Edu- 'cation; but there are also Catholic books 'which are subversive of the first prin- 'ciples of morality and religion. The 'priests know well that these books are in 'circulation. They could prevent the 'circulation of them as easily as they could 'prevent the circulation of the Holy Scrip- 'tures, but they have not made any at- 'tempt to do so.' He was then asked: 'Will you mention any of those books?' 'One book is the Cord of St. Francis; the 'Scapula is another. There were also 'books of various orders and devotions. 'These works prescribed the forms to be 'used at devotions, and the Catholics con- 'nect with those forms the speedy release 'of the guilty from purgatory. The lower 'orders believe in these books, and act on 'their belief of them, and therefore it is, 'that no Roman Catholic believes that 'when he dies he is consigned to final per- 'dition. I have spoken frequently to the lower order of Roman Catholics, and I 'never yet found one of them who believed 'that he would go to hell. If they die in 'mortal sin, they believe they go to hell; 'but if the priest gives them absolution, 'which, if called upon, he cannot refuse to 'do, then they believe that they only go to 'purgatory, from which they believe that 'the prayers of the faithful can rescue 'them. This conviction produces an in- 'jurious effect upon the moral and practical 'conduct of the people. It is easy to make 'a confession of sin and to rely on the 'prayers and orders of the faithful. On 'these they rely more than on the morality 'and religion of their conduct. Absolution 'destroys in their minds all fears of punish- 'ment in the world to come. I have found 'this feeling very general among the lower orders of Catholics, and I have seen them, 'where they have been sentenced to death 'in Courts of Justice, exhibit no feeling of 'their awful situation. I attribute this to 'their conviction that the priest is able to 'do everything for them that is necessary to 'ensure the salvation of their souls. I 'once saw thirty-five of them sentenced to 'death at once, and I did not see any one 'of them show the slightest emotion on 'hearing the sentence. All this I attribute 'to their belief in the doctrine of absolu- 'tion.' He would put it, then, to their Lordships even on no higher ground than that of their duty as human legislators, looking only to the good of men in this world, and to the preservation of the peace of society, whether it was not the duty of those who had a share in the legislative power of the country to resist the influence of doctrines such as these, and to do their utmost to lessen the authority of such teachers? If they agreed with him, that such was their duty, he asked whether it was to be endured that a measure largely increasing the authority of these teachers, and largely, he would add, extending the influence of lessons such as these books inculcated upon the people, should receive their sanction? This brought him to the last topic to which he should advert, and it was one of a most grave and serious nature. It was a duty incumbent on all those who wished to uphold, as far as possible, the true Protestant religion, and most especially it was a duty which became them as legislators, to consider what was the obligation which their Sovereign had contracted at his coronation. He begged that their Lordships would not misunderstand him. He was far from saying that any opinion which he or any of their Lordships might form upon the tenour of that oath, and upon its application to the present Bill, was that which must necessarily be true, so that there could be no conscientious deviation from it. If, unhappily, the illustrious individual who would on this occasion have to decide this point for himself, and who, their Lordships were bound to believe, as he unfeignedly did believe, would decide it on the purest principles according to the dictates of his own conscience, should decide it differently from his opinion, it would be his duty to submit in silence; but at present he thought that it was incumbent upon them, as Legislators and Peers of Parliament, to bear in mind what it was their duty to do in respect to that oath, in tendering to his Majesty the present Bill. He felt, that it was his own duty—he felt also that it was the duty of

all their Lordships—to abstain most entirely from pressing on his Majesty or, indeed, from offering to his acceptance, any measure which was imagined not to be in accordance with the obligations which his Majesty contracted at his coronation. If their Lordships should think that the tendency of any measure was to shake the security of the Protestant Church Establishment, and to weaken the influence of the Protestant religion in this country,—if they should think that the tendency of any measure before them was to violate that which his Majesty had sworn to preserve inviolate—namely, the present settlement of the Church of Ireland, with the doctrine, discipline, and government thereof, he was certain, that there was not one of them but would join with him in saying, that it was their common duty to abstain from voting in favour of such a measure. Now that was his opinion of the present measure. But if it should pass into a law, and should unfortunately receive the royal assent, he should be convinced, that it had received the royal assent from the purest conviction of its necessity, and from a conscientious belief, that assent to it was strictly in accordance with the terms of the Coronation Oath. He should have been inclined to leave this topic out of his consideration, had not circumstances arisen which had pledged the House to the discussion of it. From that discussion he had not the slightest wish to shrink. It was not with any wish to utter a taunt against the noble Earl that he now stated that he had expected that the noble Earl would, on this occasion, have propounded the arguments which he had declared to be unanswerable in favour of his Motion, which he (the Bishop of Exeter) conceived to be unsound, inconsistent with the law of the land, and tending to the dissolution of the solemn compact made by the country with its sovereign. He meant the distinction which the noble Earl had drawn regarding the binding nature of the Coronation Oath upon the Sovereign in his executive and legislative capacity. It would be in the recollection of the House, that the noble Earl considered the question of the Coronation Oath as one which might be placed out of the thought of the Sovereign, in giving his assent to any measure which had obtained the approbation of the two Houses of Parliament. Now, he must repeat, that he had hoped that the noble Earl would have given him some arguments in favour of that opinion, for, as the noble Earl had already declared those arguments to be unanswerable, he could not be afraid of any answer which they might receive either from himself or from any of their Lordships. Not having had the opportunity which he expected to have had at all events, and more especially from the circumstance of the noble Earl being entitled to a reply, he (the right reverend Bishop) was at a loss to know what arguments to address to their Lordships. It was true that the noble Earl had spoken on this subject on a former occasion, and he had been led to anticipate the argument on which the noble Earl relied at present, from the arguments which the noble Earl had employed on former occasions. On the fourth of April, 1829, the noble Earl said: 'I was glad to find 'that that noble and learned Lord (Lord 'Tenderten) did not lend the sanction of 'his high name and authority to what I 'cannot but consider the false and dangerous principles which have been recently 'promulgated on this subject; nor attempt 'to show that the Coronation Oath should 'be viewed as binding the King in his 'legislative capacity.' He had no doubt, from the whole of what followed, that the language was correctly attributed to the noble Earl, who had on that occasion considered it as a false and dangerous principle that the King should be bound in his legislative capacity by the Coronation Oath. The noble Earl had proceeded to argue in favour of that opinion, and his arguments, of which he (the right reverend Prelate) would not willingly omit one, rested upon the debate on the proviso which Mr. Pelham deemed it necessary to add as a rider on the Coronation Oath Bill, and on the letter of Lord Yester to his father, the Marquess of Tweeddale. Now he had read the debate on that proviso, and the conclusion to which he had come was quite different from that of the noble Earl. Many of the speakers on that occasion had said, that it was impossible for anything to proceed from that House which would impair its legislative powers; that the proviso, as far as it went, was not objectionable; that they did not feel it fit or proper, or decent, to intrude any measure on the Sovereign which would impose a restraint generally on his legislative capacity, but that they did not think it improper to impose this restraint on the matter which they were then upon—namely, the binding the King in his legislative capacity with regard to the Church. He found authority for this in the language used upon that occasion by that

great and wise statesman, Lord Somers. On the previous debate Lord Somers had been inclined to support the Motion, that the King, in his Oath, should swear to maintain the Protestant religion, which is, or shall be, established by law. On that occasion he used this language: "I desire the addition from great regard to the Legislature." In the former paragraph it is "statutes and laws and customs in being" in the other establishment. He that gives his consent to take away, does not "maintain them," by which he understood Lord Somers to mean that he who gave his consent to take away could not be said to maintain, as he was bound by oath to do. But even if the language of the speakers in that debate had gone to the extent for which the noble Earl contended, he should insist that the language of such men was not conclusive as to the meaning of the law which they passed. Far from it. He held that the language of debaters on either side of a question was not to be taken as the most fitting construction of the law which they were endeavouring to carry through, or to prevent from being carried through Parliament. The noble Earl had also referred, in support of his opinion, to another authority—the letter of Lord Yester to the Marquess of Tweeddale. It was dated April 9, 1689, and was to the following effect: 'I believe 'your Lordship will find, by the journals, 'the measures I have given were not much 'mistaken, and that now there is but 'a slender prospect of a comprehension, 'whereof the delays thrown in the way, 'and the desire of a convocation, are a 'sufficient evidence. However, I am 'told the King has declared himself 'in council as to the oath he is to take at 'his coronation—that the sense he takes it 'in was as to his executive capacity, to 'maintain the Church as by law established, 'reserving liberty as to his legislative, to 'make therein what alteration might be 'thought fit hereafter.' He was surprised that so much authority should be attributed by the noble Earl, to a hastily written letter, upon the mere rumour of the day. Who ever heard of such a letter being taken as an authority upon a point of constitutional law? Would any of their Lordships take a rumour picked up in St. James's-street, or in some of the neighbouring club-houses, as evidence of any fact at the present day? And if they would not take the mention of a rumour in a letter as evidence now, why should they attach greater sanctity to a piece of paper which had no other merit than that of being 150 years older? There was, however, evidence of a negative kind, to prove that this rumour was unfounded. He put it to such of their Lordships as had had experience as privy councillors, whether, if such a communication had been made by the King to his council, there would not have been some record of it placed on the minutes. He would not, however, stop here. He said, that William 3rd was the last monarch who would have satisfied himself with making this private communication to his council—a communication which, if made at all, was of so private a nature, that he supposed that no person who had taken the privy councillor's oath, would have deemed himself at liberty to divulge it. Moreover, it was not likely that a conscientious man like William 3rd would have made any such mental reservation. He came down to Parliament to give his assent on the throne to the Coronation Oath Bill, and on that occasion he made no declaration as to the sense in which he should take the Oath. He took it, therefore, in the plain and natural sense which the words bore, and not in the sense which Lord Yester attributes to it upon rumour. The negative evidence, however, did not rest here. There was a curious circumstance in the history of King William, connected with the Oath which he took on his Coronation as King of Scotland. That Oath bound him to root out heresy. When it was tendered to him, he solemnly declared the sense in which he took it; for, he said, "Let it be understood, that I do not bind myself by this Oath to become a persecutor." This was *pro tanto* a reservation; from which it followed, that if King William took the Coronation Oath with any reservation, he would, in like manner, have publicly said so, either when publicly taking it before his peers, or when giving the Bill the Royal assent. The whole argument, therefore, founded on Lord Yester's letter to his father, which he considered utterly unworthy of attention, fell to the ground, apart from the circumstances of improbability which otherwise surrounded it. Let them for a moment consider the nature of the distinction, which had been attempted to be drawn between the King in his legislative and his executive capacity, on which was founded the untenable assumption, that the Coronation Oath bound him, not in his former, but in his latter capacity. Now, he held that the constitution did not recognize this

double capacity of the kingly office. He held, that the notion of a monarchy—that is, an absolute monarchy—as contra-distinguished from the limited monarchy of England, implied, that the whole government of the country was vested in the King; and that the notions of a limited monarchy implied that the King could exercise no royal functions unless with the advice of his Parliament and responsible councillors. This he need not tell them was the usage of the British Government. In the exercise of his higher duties, as a branch of the Legislature, the King is aided by both Houses of Parliament, in establishing and settling the law of the land, just as the privy council were his advisers in the case of proclamations, and so on with the other royal functions, placing it beyond doubt, that it was absurd to believe that the Coronation Oath bound the King in one capacity while it loosed him in another. That such was not the case he thought was evident from a consideration of the origin and tendency of the Coronation Oath. It was, perhaps, hardly necessary for him to remind them of the remarkable fact that the Coronation Oath of Edward the Confessor was in force till the reign of William 3rd; and that it was mentioned, *eo nomine*, in the Coronation Oath of James 2nd. The Oath was contained in the *Leges Edouardi*, c. 1., entitled *De Regis officio et de Jure et Appendicibus Coronæ Regni Britanniæ*. Now, those laws distinctly showed the duty and office of the King, enjoining him to fear God and honour him above all things: that he should reverence the holy Church, and defend it against its enemies; that he make good laws and preserve approved customs; that he ought to distribute justice, and to take the counsel of his nobles, prelates, and wise men. If words had any meaning, did it not follow that that part of the Oath, which bound the King to make "good laws and preserve approved customs" applied to the King in his legislative capacity? And if so, was it not absurd to assert that the Oath bound him in his executive, but loosed him in his legislative capacity. The old language of the law confirmed this view, for, in old acts, it was always stated, "Rex statuit," and sometimes it was said "in Concilio Parliamenti," and sometimes not. The evidence, however, did not rest there. Some of their Lordships were perhaps not aware that there were Statutes of this land recognizing the Coronation Oath, as binding the King in his legislative capacity. Every Sovereign, from Edward the Confessor to Edward 3rd, swore that he would make good laws and repeal bad ones; and there were not one or two, but a whole stream of instances, as had been remarked by an eloquent writer, which established this as the great constitutional principle, on which all laws were to be reviewed, and, if necessary, annulled. It was, in truth, the chief landmark of the Constitution. The first instance he would refer to was, the 7th of Edward 1., c. 1., called the Statute of Fines, which after confirming the Charter of Forests and Magna Charta, states, that the King should not give his assent to any laws "contrary to his Coronation Oath," that is, that he was bound by his Oath in his legislative capacity. Then, in the next reign, they would find in the 15th of Edward 2nd., this principle most explicitly asserted. That statute was a repeal of other statutes which Edward had passed in favour of the Dispensers; and it stated that these acts should be repealed, because, among other reasons, it was contrary to his Majesty's Coronation Oath, that bound him, at the risk of his soul, to make good laws, and to extirpate bad ones. The same principle was also asserted in the reign of that illustrious prince Edward 3rd. In the 15th of Edward 3rd, it was expressly stated, that certain things which had been improvidently done were to be revoked, because they were contrary to the King's Oath. But, without fatiguing them with more instances from the statute-book, he would briefly refer them to the proceedings of the Legislature at the time of the Union with Scotland. He need not remind their Lordships that great apprehensions were at the time entertained by the people of Scotland, lest the measure should prove detrimental to the interests of the Church of Scotland, the Legislature of England being "essentially of the prelatic persuasion." The assembly of the Church of Scotland accordingly petitioned, that the rights of that Church might be preserved entire; and in obedience to that petition, an act was passed, which did insure the integrity of those rights. But the Assembly was not satisfied, for they requested the security of—what? Why, a Coronation Oath, and that security was conferred on them. But this was not all, for the members of the "prelatic persuasion" in their manner, also entertained apprehensions for the integrity of the Established Church, now that Presbyterian peers and commoners were likely to become members of the

united Legislature; and they, in their turn, demanded the security of the Coronation Oath for the interests of the Church of England, and that security—[Lord *Plunkett:* The Church of England and Ireland.] He thanked the learned Lord. The Church of Ireland was included. He was not surprised at the friendly remonstrance, knowing that that learned Lord agreed with him, that the Coronation Oath applied to the King in his legislative capacity. [*"No, no," from Lord Plunkett.*] No! he was astonished by the denial. It would be in their Lordships' recollection that Lord Kenyon had been requested by his late Majesty to give his opinion of the Coronation Oath; and the opinion which Lord Kenyon gave to a late King on the point, was well worthy of their Lordships' attention. Lord Kenyon said, "that the whole of the present system was carefully framed, to guard against the introduction of Popish influence into any of the branches of the Legislature. In the Sovereign, this was provided for by the oath which he took; in the Houses of Parliament, by the Declaration of 2nd Charles 2nd." Unless the learned Lord was most grossly misrepresented, he on referring to this opinion of Lord Kenyon, had said, "the opinion was that of a sound lawyer and an honest man. There might be cases in which a King was not justified in adopting the advice even of his Councillors, viz:—when that advice was in direct opposition to his Coronation Oath. For instance, if an Act was passed to overturn the Protestant Hierarchy, no doubt the Coronation Oath would prevent him from assenting to it. That was not a question which required a moment's deliberation. The Coronation Oath was a bond between his conscience and his God." This was said by the noble Lord, in a speech made by him on the 10th of June, 1828, and it was this emphatic language, which made him believe that the learned Lord, like himself, conceived the Coronation Oath to bind the King in his legislative no less than his executive capacity. If he was wrong, the learned Lord would, of course, set him right. The right reverend Prelate concluded with thanking their lordships for the attention with which they had heard him. He was ashamed at having detained them at such length, and could only say, that he should not trespass on their forbearance at such length in future.

Lord *Stourton* rose to give his conscientious support to the Bill. He required no letter to induce him to come forward, nor anything but a conviction that he was doing his duty honestly to the country. Their Lordships had been told, that they were to consider this measure as repugnant to the principles of Protestantism, and as opposed to the interests of a Protestant country—that it was intended to weaken and in reality to destroy the Protestant Church. He denied the assertion. Doubtless the evidence of a Roman Catholic Peer might be regarded with suspicion, but he called on their Lordships to remember that the Bill came down to their Lordships' House backed by a great majority of what he could, for the first time for many years, call the real Representatives of the people. When turning from the Commons of England, he looked to the Bench of Bishops themselves; he found that even they were divided in opinion on the principles of this Bill. From them he looked to the Protestant population of the country generally, and here, also, he found an overwhelming majority in favour of the measure. Finding this to be the case, and finding also, that this plan was recommended to their Lordships by those who were the responsible advisers of the head of the Protestant Church, and who had so large a share in the control of its temporalities—how, he asked their Lordships, could he refuse his assent to a measure which, under all the circumstances of the times, he thought would prove highly beneficial and advantageous both to Church and State. The noble Lord then proceeded to comment on the observations of the right reverend Prelate with regard to the Catholic Bishops and clergy, whom he defended from the attacks made upon them, and represented them as amiable persons and estimable men, who, so far from seeking to injure the interests of the country, would do all in their power to promote them. The right reverend Prelate had passed a general censure on the Irish priesthood, but he had contented himself with referring to the instances of Dr. Doyle and Dr. M'Hale. He would ask, were there no other Irish Catholic Bishops? And even if censure could be justly applied to those two individuals, were all the rest to be condemned on their account. He differed in some respects from the arguments of Dr. Doyle, whom, however, he could not but highly respect. Still he could discard the arguments which he thought objectionable, without throwing away his religion, or maligning its priesthood. There was, much to approve of in the speech of the

right reverend and eloquent Prelate, who, indeed, never, displayed more eloquence than when he described the wretched and miserable condition of the people of Ireland, and called to their Lordships' attention the difficulty which they had to allot a miserable pittance even to their own pastor. The right reverend Prelate had also most appropriately alluded to the evils resulting from absenteeism. With regard to the system of education, however, of which the right reverend Prelate so much complained, it was not a little singular that he and many other noble Lords should have bestowed so much time in opposing a more improved and extended system of education. At least half of the recent debates in that House had been occupied by such opposition. Much was to be said in extenuation for those strong expressions of some Catholic Priests, to which allusion had been made. It should be remembered, that these persons were the actual witnesses of and sharers in that distress, which had been so forcibly described. It was they who went into the cabin of the peasants, and who saw the miseries to which they were exposed. How could they avoid describing in warm and excited language that which was so powerfully calculated to appeal to their feelings. He was quite sure, that were the right reverend Prelate himself placed in a similar situation, even he might be tempted to indulge in a greater degree of warmth than subsequent reflection would perhaps justify. The noble Lord concluded by declaring his determination to support the Bill.

Lord *Plunkett* said, that he would not attempt to follow the right reverend Prelate through the wide range of argument which he had taken. The right reverend Prelate had certainly introduced into the discussion a vast quantity of matter of a very subduing nature, in every sense of the word. He felt the greatest admiration of the eloquence which the right reverend Prelate had displayed; but nothing about his speech had struck him with so much surprise, as the address with which he had drawn away their Lordships' attention from that which was really the question before the House. During a great part of his able and eloquent speech he had employed himself in discussing the Catholic question. Was that the question now in debate? What had the right reverend Prelate to propose upon that subject? Did he mean to propose, that the law which had been passed should be repealed? Would he say, that the doors of that assembly should again be closed against Roman Catholics? If not, what object in Heaven's name, what argument was there in his reference to it? And why should the right reverend Prelate, on rising to address the House for the Church and the truth of God, drag in a topic which could have no other effect—though he would not say that it was intended—than to excite ill-blood, and to make it impossible—let the Catholic Relief Bill be in conception ever so wise, or in its natural consequences ever so beneficial—that it could produce any thing but discord and interminable ill-will? If, as the right reverend Prelate asserted, the cure for the vices inherent in the nature of the Catholic religion, and growing out of the system of Catholic education, was only to be found in the ministry of Protestant Bishops in Ireland, he could not help rejoicing exceedingly, that there was no probability of the right reverend Prelate being sent to that country. The right reverend Prelate said, that the predictions which had been made of the good consequences that would result from Catholic emancipation had not been verified. Their Lordships would do well to recollect the period at which those predictions were made, and the manner in which the measure of relief had been delayed, and thence they might deduce a lesson of experience. Their Lordships might learn from that example the folly of delaying a measure, the efficiency of which depended upon its being willingly and timeously granted; and he hoped that they would bear that circumstance in mind in considering the present measure. How had their Lordships dealt with respect to that wise, just, and necessary measure—for so he must still continue to call it—Catholic emancipation? For his own part, he should never regret the part he had taken in endeavouring to obtain that great measure of national justice. Their Lordships delayed the adoption of that measure for a quarter of a century after the good sense of the people of this country had acknowledged its necessity and justice. Even so late as 1825, if their Lordships had adopted the Bill which was then sent up from the House of Commons, how different would have been the state of Ireland at the present moment! They were now tasting the bitter fruits of their own tardy justice. They were suffering, not for the Act which they had passed, but for having delayed to pass it in spite of their conviction of its necessity, from personal considerations of ex-

pediency and convenience. Let it not be supposed from what he was now saying, that he forgot how much the country was indebted to the noble Duke opposite for his conduct respecting that question. He should never forget, and he hoped that no person connected with the Catholic cause ever would, the debt of gratitude which they owed to that illustrious individual; but what he wished to impress upon their Lordships' minds was, that if Catholic emancipation had been conceded in 1825, instead of being delayed till 1829, some of the consequences to which the right reverend Prelate had adverted would never have occurred. The measure which, yielded in proper time, would have been received with gratitude as a boon, was unjustly postponed, and the parties who were entitled to obtain it were driven to the necessity of entering into illegal combinations, and keeping up a spirit of agitation, and by this means the people of Ireland were placed in a situation in which every person who chose to take an extravagant part in politics obtained an ascendancy over them. The combinations and other evils which rendered the coercive measure which Government had lately obtained from Parliament so necessary were the fruit of the postponement of emancipation. For upwards of one hour the right reverend Prelate entertained the House with discussing the merits of Dr. Doyle. What had Dr. Doyle to do with the question? If he were an angel from heaven, or Lucifer himself, what bearing, he asked, had his merits or demerits upon the subject under discussion? The right reverend Prelate had also dwelt at considerable length upon the sayings of Dr. M'Hale, who had, it seemed, made a speech containing a great deal of nonsense, which the right reverend Prelate described as calculated to subdue every feeling of Christian charity, and to excite ill blood. Suppose this were all true, what had it to do with the question? If his eyes would allow him, and he had no considerations of mercy for their Lordships, he could read speeches—he would not mention the names of the persons who delivered them—which were longer, more foolish, and more wicked, than the speeches of Dr. Doyle or Dr. M'Hale, if such speeches they had ever made, though they had actually proceeded from Protestant divines. Did he say this in disparagement of the Protestant Church, or Protestant clergymen? No person living entertained a more profound respect for both. He felt that the Protestant clergy in Ireland had, on account of their present melancholy situation, every claim on the compassion and justice of the House. He would never be a party to any measure which should have the effect of depriving the clergy of their just rights; but that was not the character of the present Bill, and any arguments of that nature were therefore thrown away upon the question before the House. It would appear from the statement of the right reverend Prelate, and of a noble Lord who spoke last night, that there was a conspiracy at work in Ireland against the Church. He believed there were persons who would be delighted to pull down the Protestant Church in that country. He would make a present of that declaration to those who cheered him. In his opinion, it was essential to the safety of the Protestant Church, that some measure should be speedily adopted for the purpose of strengthening it, and making it proof against the machinations of its enemies. Last night a noble Lord, who generally supposed himself to be the representative of the Protestants of Ireland in that House, but whom he did not then see in his place—[*"Hear," from the Earl of Roden.*] He was glad that the noble Lord knew himself by his description. It was the truth, that the noble Lord sometimes persuaded himself that all the Protestantism of Ireland was centred in his own person. The noble Lord stated last night, that there was a conspiracy existing in Ireland against the Protestant Church, and he even went so far as to say that Government were parties to it. [The Earl of *Roden*: No.] The noble Lord certainly said, that it was the intention of Government to overthrow the Protestant religion.

The Earl of *Roden*: I said, that the tendency of this measure was, to overthrow the Protestant religion.

Lord *Plunkett* said, he begged leave to assure the noble Lord of one fact, which was, that the persons who were now watching with the deepest anxiety for the failure of the present Bill, were the very persons who were carrying on the conspiracy against the Protestant Church. There was nothing which could impart so much satisfaction to these conspirators, and to persons in Ireland generally, who entertained objections to the Protestant religion, as the failure of this measure, which was brought forward for the purpose of giving strength and stability to the Establishment. The right reverend Prelate had not been very candid in stating the purpose of the

measure, for he had argued as if the Bill proposed to effect only one object, and that, the abolition of Vestry-cess. Now, that, though a very material, was not the only, object of the Bill. He was not disposed to quarrel with the right reverend Prelate's statement, that the establishment of the Protestant Church in Ireland, considered as a whole, was not an overgrown one; but, he certainly thought, that there was one portion of the establishment very much overgrown, and another portion he would say, for want of a better term, very much undergrown. The Bill proposed to take from some of the members of the Establishment a portion of their superabundant wealth, and to divide it amongst their less fortunate brethren. Would any one say, that this was not a good object? Would any one say, that it was not calculated to bring the Church into greater repute than it at present stood in? Would any one say, that Church would not be more efficient if the working clergy were more effectually provided for? That was one of the objects of the Bill which the right reverend Prelate would not allow to go into Committee. Another object was the building of churches, and another the building of glebe-houses. The right reverend Prelate had entered into calculations to show that no fund could be raised under the Bill beyond the sum which was necessary to meet the payment of Vestry-cess; but if the Bill should be allowed to go into Committee, he had no doubt that it would be found that the right reverend Prelate was entirely mistaken. The right reverend Prelate had miscalculated the value of the bishops' leases, and mis-stated the amount of the Vestry-cess. The errors committed on these subjects by the right reverend Prelate were specimens of that calm consideration which the right reverend Prelate had brought to this discussion. The right reverend Prelate said, that the Vestry-cess was not considered by the Irish as an evil; but he (Lord Plunkett) spoke in the presence of noble Lords acquainted with the state of Ireland, on both sides of the House, and he appealed to them whether the Vestry-cess was not considered a grievance of the utmost enormity, and felt as such by the poorer classes. From its very nature it was calculated to excite feelings of discontent and hatred. A wretched being, unable to provide for the sustenance of his family, was taxed for the service of a church with which he had no connexion, and for which, as the right reverend Prelate contended, he entertained an habitual dislike. He sought for no evidence further of its vexatious nature; and, he asked those noble Lords who were attached to the Protestant interest in Ireland, and who wished to strengthen that interest, to remove one of those burthens of which agitators continually availed themselves in their attempts to overturn the Protestant Church of Ireland. It was a serious grievance, and on that account alone they wanted this soothing and salutary measure to protect the interests of that Church. But the right reverend Prelate contended, that this measure was defective in respect to the remaining funds; and on what ground? The right reverend Prelate had gone back to some distance into the history of the First Fruits; but there could be no doubt that in the time of Henry 8th First Fruits were paid by the clergy out of every living that became vacant in Ireland. It so happened, that in the books no livings were taken down, or liable to the tax, except such as were rated above a certain amount at that time; and questions afterwards arose, whether livings which had increased in value should pay. His (Lord Plunkett's) opinion had been taken when Attorney General, and he was of opinion that they should not. He had given that opinion under his hand, and it was now on their Lordships' Table. His colleague (the Solicitor General) differed from him. His (Lord Plunkett's) opinion consisted of two parts—one was, that the officers collecting the First Fruits were not entitled to levy them, in the present circumstances; and Mr. Joy, the Solicitor General, agreed with him on that point, but differed on the second; for he thought that the Crown could issue a commission of revaluation. Since that time, other law officers of the Crown had been consulted, and they concurred with him, that the Crown could not make a revaluation. But there was no doubt, that if they were now valued, many more livings would be liable to the First Fruits. He did not think that this could be called spoliation. Their Lordships had been told, and by none more strongly than by the right reverend Prelate, of the dangers in which the Church of Ireland was placed, and it had been thrown out as a charge against the Government, that it was hostile to the Protestant Church of Ireland. A man who made such an accusation seriously must be bereft of understanding. Government, seeing the dangers in which

that Church was placed, thought it incumbent upon it to raise a fund that should be applied strictly to ecclesiastical purposes, and they had recommended to his Majesty to signify his consent to a measure being introduced into the other House of Parliament to effect that purpose. The other House had passed this Bill, not with any levity, as the right reverend Prelate supposed, for a measure could not have been conducted with much levity which had taken three months to discuss. The measure had then come to this House; and the right reverend Prelate had thought himself entitled to say of it,—and it was unfortunate that he should so speak of such a measure,—that it sanctioned spoliation of property, and was a robbery. Was it an allegation that Parliament had no right to legislate respecting the property of the Church? Was it an allegation that this was a matter above the law? That was not a doctrine calculated for the present day. He (Lord Plunkett) did not differ from any opinion he had entertained as to the property of the Church. He still held the property of the Church to be a sacred deposit. Nothing was more idle than to ask whether the property of the Church was or was not under the control of Parliament. All property was under the control of Parliament. But when he said so, he felt that it was a grave thing to meddle with that property, unless in a case of necessity. He admitted that, in a certain sense, the property of the Church was private property; it was, however, like other corporate property, which was private property in the same sense as Church property, and might be applied to the purposes of the corporation, and it was within the power of Parliament so to apply it. So, in the present case; the property of the Church of Ireland, every part of it, was to be applied to purposes strictly and purely ecclesiastical. It was an abuse of terms to argue that this was spoliation and robbery. No allegation had ever been made by any servant of the Crown that Church-property was applicable to purposes not ecclesiastical. With respect to the surplus, the only question had been whether it was Church-property or not; it had never been asserted that, if it was Church-property, it was applicable to non-ecclesiastical purposes. The fair inference was, that if the surplus was fairly Church-property, it was applicable only to Church purposes. With regard to the abstract question, whether Church-property could be applied to the general purposes of the State, he gave no opinion; it was a foolish thing to give an opinion unnecessarily on such a question. The right reverend Prelate had said that it might be necessary to give such an opinion; he (Lord Plunkett), however, said that it was not necessary at present. But he wished to call the right reverend Prelate's attention to an observation which fell from him as to the application of the surplus to church purposes. Originally, as it had already been stated in the debate, the Bishops had exercised a right which the law did not give them, and by letting the land at nominal rents, dilapidated the property of the Church. The Legislature interfered with that right so exercised by the Bishops, and restored the property to the Church. If the Legislature had done this, was it not entitled to reapply the property of the Church? Was that spoliation? Then it was said, that the construction of the machinery of the Bill was just as unprecedented as other parts of it; that the commission was to consist of laymen instead of churchmen. Why, the men who made this complaint forgot that the Board of First Fruits consisted partly of laymen and partly of ecclesiastics. The Lord Chancellor of Ireland, the Lord Chief Justice, and the Attorney and Solicitor General, were members of the Board. But it was again said, was ever such a thing heard of as such a commission, the members of which were removable by the Crown? Why, the Lord Chancellor, and the Attorney and Solicitor General were removable at the pleasure of the Crown; so that the existing Board was liable to the same objection. Still it was said, that there was a predominant power in the laymen. The commission was to consist of eleven persons, of which six were necessarily to be of the ecclesiastical establishment; so that there was a majority of six to five. But it was said this was a bill which touched spiritualities, and should be called "the Spiritualities Bill." How was this charge made out? It was said in certain cases, where divine service had not been performed for three years in a place, the commission was authorized to withhold the proceeds of the livings, and to apply them to other church purposes. But was this stating the case fairly? What were the circumstances under which the proceeds were to be sequestered? This was not to take place till it was certified by the Bishop of the diocess that divine service had not been performed for the time specified, and then the commission was

allowed to exercise a discretion on the point. Could it be seriously contended, that when clergymen were disabled from performing divine service through the violence of the times, which was the case put by noble Lords, if the fact were known to the commissioners, they would not act accordingly? Was it likely that they would add to the injustice of the people and deprive the clergyman of his living? It was then said, that they were taxing the clergy, and interfering with the property of the Church, by consolidating bishoprics, and that this was a thing unheard of. As to the consolidation of bishoprics, which was said to be a gross invasion of the rights of the Church, there had been various proceedings on this point. In 1745, and in 1752, and in other instances since the revolution, bishoprics had been consolidated. Could it with any show of reason be said, that the Parliament was incompetent to take away any of the rights and privileges of the clergy, when the Legislature had by various acts, interfered with the property of the Church? For instance, the Composition Act interfered with that property. Again an Act passed in the reign of George 3rd went to deprive the clergy of the right of sitting in Parliament, a right which all men considered most valuable. After this could they tell him that the law of this land prevented the Parliament from interfering with the Church? The right reverend Prelate had also objected to the Bill, that in the proposed consolidation of bishoprics, certain persons would have imposed on them all the burthens of an additional See, whether or not they were willing to accept it. And the right reverend Prelate stated an instance in which one Irish Bishop, the Archbishop of Cashel, had petitioned against the imposition of this additional burthen. When it was considered that the holders of these united bishoprics would have their patronage increased, and their emoluments somewhat added to, it would not be very necessary to make any provision in this Bill to meet, what he should conceive, would be the rather singular and uncommon instance, of a Bishop declining or objecting to have the burthens of the additional patronage and emolument thrown upon him. If, however, it should turn out, that the Bishops had any strong objection upon the point, it would be time enough then to meet it by a separate enactment. The right reverend Prelate had also stated, that it was incumbent on Parliament to compel the landlords of Ireland to bear a more equitable portion of the burthens occasioned by the remission of the Vestry-cess. Why, the right hon. Gentleman who then filled the office of Colonial Secretary did, before he was a member of the present Cabinet, introduce a measure to the other House of Parliament, the object of which was to shift the burthen of the Church-cess from the occupants to the landlords. This proposition was thrown out, but it must be borne in mind that it was thrown out by a Parliament which had not yet been purified by reform. And he could not help observing that the right reverend Prelate, throughout the whole of his speech, availed himself of every opportunity to re-agitate, not only the Roman Catholic question, but also the question of Reform. He would suggest, however, to the right reverend Prelate, that if he were really anxious for the welfare of the empire, and not desirous to revert to the former system, that it would be better to leave those two questions at rest; and not, by partially discussing them on almost every possible occasion, place obstacles in the way of whatever beneficial consequences the present settlement of them was calculated to produce. [*There was here a considerable noise in the House.*]

The *Lord Chancellor* rose to order. He observed that it would be useless to continue the discussion unless due attention were paid to the observations of those who spoke. He confessed he had scarcely been able to hear those of the noble and learned Lord.

Lord *Plunkett* continued.—The right reverend Prelate, in considering the grievances under which Ireland laboured, had professed his opinion that the Vestry-cess constituted none of these. He (Lord Plunkett), with all due deference to the opinion of the right reverend Prelate, could not help thinking that this impost was one of the greatest grievances of Ireland, and far from taking the view in which the right reverend Prelate had indulged, he (Lord Plunkett) believed that the real and ultimate remedy for the evils pressing on the population of that country, which the right reverend Prelate designated as wretched and miserable, was the want of instruction. If they were to be rescued from misery and degradation, if they were to be made sensible of the obligation of an oath, it must be by rendering them accessible to some system of rational education. Yet, with what direful anathemas was the system of education proposed to be established by his Majesty's Government last year denounced

by the right reverend Prelate, and some others; and for this only reason,—that the Scriptures were not proposed to be read every day in the week. It was contended, that in concurring in this enactment, the Sovereign would be violating the oath he took at the coronation; that, in short, the Coronation Oath opposed an insuperable bar to the sanction of such a measure. He would take the liberty to state his notion with regard to the Coronation Oath, and he would state, candidly and fairly, that he had no recollection that he had ever attached to the oath in former times a different meaning from that which he now ascribed to it. He was sure that the right reverend Prelate did not mean to misrepresent what had fallen from him, but he must say, that he had no recollection of ever having used the words attributed to him, by the right reverend Prelate, if he had ever used those words, certainly they did not express his present opinion. "The Coronation Oath, said the noble Lord, as it was framed and taken by the Kings of England previous to, and at the Reformation, was in substance the same that it is at this day. It was a solemn recognition of the contract entered into by the King with all classes of his subjects, lay or ecclesiastical—and no more binding as to the one class than as to the other; a contract, not with the Church, but with the people, that they shall have preserved and maintained the Church, and its rights and privileges in which they are just as deeply interested as the members of the Church—for I agree entirely with Sir Robert Peel, that it is an error to consider this as a question in which the Church, as such, is exclusively interested. They are, in the first place, interested as a portion of the people, and in the next place as the functionaries who are to perform the duties which are imposed on them for the benefit of the people. As to both, the Coronation Oath was, and is, the attestation, in the presence of God, of a contract by the King to perform those great duties which existed anterior to, and independent of the Oath. Now observe, the Coronation Oath, before and at the time of the Reformation, was just as express as it is at this day, to preserve the Church and the rights and privileges of its ministers; and observe that, at the accession of Edward 6th, the Established Church was the Roman Catholic Church. Now the question we have to decide is this;—was the Coronation Oath taken by Edward, an attestation and sanction of his contract with his people, or was it a vow to God, binding him indissolubly to preserve the Church as it then subsisted. If the former, then there was no insuperable bar to the Reformation. The just and solid reasoning of Bishop Watson would directly apply to the case:—'The Coronation Oath is the confirmation of a promise made by the King to the people. But the obligation of that promise is released, when the people, speaking by the two Houses of Parliament, declare that they do not, on certain points, require the performance of it.' The people did, by their consent, given through the constitutional organs of their opinion, declare, that they did not require the performance of the contract, so far as it related to the old religion;—and on this sound principle the Reformation stands. But if the Oath were to be considered as a vow by the King to the Supreme Being, indissolubly binding him to maintain the then existing Established Church, I ask by what casuistry was he released from that vow? I ask, by what casuistry was Queen Elizabeth, who found the Roman Catholic Church established, by the acts of the Legislature in the time of her predecessor, relieved from that vow? If I am allowed to stand on the ground of common sense, I say that there was no vow to be released from. The opinion of the people of England gave a release from the contract, and the Oath was only a solemn attestation of that contract, binding the party by its awful sanction, to abide by that contract so long as the party with whom it was made required its performance—on this principle only can I justify the Reformation, and vindicate that great princess from the charge of perjury, and the Government and great statesmen who were her advisers from the charge of gross violation of their duty. The contrary doctrine involves the necessity of a dispensing power. Let me now inquire whether the Coronation Oath, as framed at the Revolution makes any difference in the argument. [Here the noble Lord read the recitals in the Statute referred to, and then the Oath.] Here, then, I admit is a most important change—a solemn contract entered into by the King with his people, that he will, to the utmost of his power, maintain the Protestant religion, as established by law, and preserve to the Bishops and clergy all such rights and privileges as do or shall by law appertain to them. Here, then, is the effect of the alteration made in the Coronation Oath at the Revolution; not to change into a vow to Heaven that which had before been the attestation and sanction be-

fore God, of a contract made with man; but to ascertain what that contract was, and to assure to the people, by the obligation of the Royal Oath, their right to insist on that contract; and thus the same reasoning applies as at the Reformation. But, further, to show the utter inconsistency of such a doctrine with the principles of the Revolution, and with the acts of those who achieved and conducted it. The Coronation Oath, and the Oath of Allegiance, rest exactly on the same foundation. The first was, to secure a contract entered into by the King with his people; the second, to secure a contract entered into by each individual with his King,—obligations certainly binding both parties, independently of any oath. Why, then, I ask, if this oath were a vow to Heaven, by what authority were the subjects of James 2nd absolved from that vow? If it was merely an oath to perform a contract, I find no difficulty. The King had, by his abdication and abandonment of the duty of protection, released his subjects from that contract, and of course there was an end of the obligation of the Oath which was merely for the performance of that contract. But if it were an irrevocable vow to God, they were guilty of a violation of that vow in transferring to King William the irrevocable allegiance which they owed to James. They were not only traitors, but perjured traitors. It were vain for such reasoners to say, that James had by his Acts released them; he could not either directly or by implication release them from that vow; and therefore, in refuting this bold and dogmatical assertion, I am vindicating the actors in these two great events, the Reformation and the Revolution, from the grievous imputations which are cast upon them by those who profess to stand on those principles, but who most certainly do not comprehend them. My Lords, if it were necessary to say whether this Oath was administered to the King in his legislative or executive capacity, I should certainly be disposed to say with the most reverend Prelate, who adverted to this point on a former night, and with my noble friend, who adopted his argument, that it was against the Acts of the Crown in this latter capacity, that the Oath was intended as a security,—a security to bind the King not to violate the laws, but not intended to fetter him as a branch of the Legislature in giving his assent to any laws which might be proposed by the other two branches of the Legislature, for the regulation of the Church or of its members. If we look at the history of the times, we cannot but see what was the evil and the danger to be provided against. James had not attacked or endangered the Church by co-operating with a Legislature hostile to the Church in passing any new laws for its subversion —no, the exact reverse. He had claimed a power, as executive Magistrate, of dispensing with the laws which were made, and thus sought to endanger the Protestant Church, not by unjust legislation, but by arbitrary prerogatives. Now as to the effect of the Acts of Union with Scotland and with Ireland—"Be it enacted, that the King should swear to rule this kingdom and the dominions appertaining thereto according to the laws and customs of the same; secondly, that he should administer the laws with justice and mercy, and lastly to the utmost of his power he would maintain the laws of God and the Protestant religion as by law established, and to preserve to the Bishops and clergy all the rights and privileges as by law should appertain to them or any of them." It is clear that this is a political regulation, not founded on any religious opinion entertained by or professed to be entertained by the persons imposing the Oath. The King did not profess the religion which he swore to maintain in Scotland, nor did the Legislature. The religion to be secured on one side of the Tweed was opposed to the religion to be secured on the other; and this was a political regulation, and a perfectly just and proper one, that the people of the two countries should be secured in the enjoyment of their respective religions, and that the establishment of the one part of the Union should not be obtruded on the other. Beyond this, neither the enactments nor the Oath profess to go; and as there is nothing in the Bill now before the House, at all applying to the Church of Scotland, it is not necessary to dwell on the Scottish Union, or on the Oath provided on the occasion. Then, as to the Irish Union, the fifth article states that the Church of England and the Church of Ireland as now by law established, should be united as one Protestant Episcopal Church, and be called the united Church of England and Ireland, and should be and remain for ever as the same was now by law established. Now, here I fully admit that the doctrine, worship, discipline, and government of the United Church of England and Ireland are intended to be secured; and that the inter-

ests of the Irish Church, are intended by that Act to be permanently secured by being incorporated with those of the Church of England; and I further admit, that the temporalities of the members of the Irish Church, though not in terms provided for by the Act of Union, and though not secured by any Coronation Oath (for there is no Coronation Oath imposed by the Act of Union with Ireland), are yet, by the clear policy of the law, to be collected from the unvarying course of the Acts of the Legislature, from the period of the Revolution, and I will say from the period of the Reformation, to be considered as a fundamental principle, and an unalterable bond of connexion between the two countries. And I admit that the worship, the doctrine, the discipline, and the rights and privileges of the Irish Church were as much under the protection of this House, and of the Legislature, as if they were secured by a thousand oaths, and that this measure must be tried by that test. Does it endanger the Irish Church, or the rights and privileges of its members? On that policy I believe no Member of this House entertains a doubt. You say that this measure does violate that policy—show that by an examination of the provisions of this Bill, and you justly and righteously overturn it. We assert, that so far from this being the case, this measure is eminently calculated to strengthen and secure the Church and its possessions. We go farther, and we say, that if this or some such measure is not speedily adopted, the Church and its possessions will be exposed to the most imminent danger. In all this we may be very wrong; if this shall be shown, we are convicted of an error in argument, but we retire from the discussion refuted but not damned. But this is not the case, it seems, with our gracious Sovereign, and he is to be told, that he cannot exercise his judgment on this subject, but at the peril of his immortal soul. My Lords, this is a monstrous and presumptuous assertion; and it is the extreme of arrogance to hold such language to the Sovereign."

The Earl of *Mansfield* commenced by observing, that upon no former occasion had he felt so determined as to the course which he should feel it his duty to pursue. He could not help reminding their Lordships of the consequences which he had predicted when the Catholic Emancipation Bill was brought forward which would ensue from the passing of that measure, which he could not abstain now from saying was the great cause of the introduction of the Bill now under consideration. On the occasion to which he had alluded, he had stated, with regard to the Dissenters of Ireland, and even of this country, there would be a division of opinion; some would wish for a participation in the revenues of the Church; others that no Established Church should be kept up with such superabundant revenues; whilst a third party preferred the example of America, that there should be no establishment at all, but that all expenses should be defrayed by each separate congregation. These theories now all floated in the public mind, and though he could not say which had the advantage, yet he was certain that all threatened the Church, and he could not help apprehending that that of Ireland would be but of short duration. In that opinion he was confirmed by the present Bill, and by the language which had been used and advanced in the course of the debate. Much as he had differed from the noble Duke (the Duke of Wellington) on the occasion of the Emancipation Bill, yet he knew the vigour of his noble friend's mind too well to dread that, whilst he held the reins of Government, any body of Dissenters could force upon him or the Legislature the extensive alteration which was sought by this Bill; but he had conceived that the Government might fall into other, and perhaps weaker hands, and he had, therefore, opposed the Emancipation Bill. By that measure, as he had predicted, the Catholics and Dissenters had gained strength, and still more by the alteration of the constitution of Parliament; they had raised their tone and pretensions, and they complained that the Establishment was a mere Parliamentary Church. It would seem, from the statements of to-night, that this was the result of the tardy justice extended to them, though formerly the Emancipation Bill was panegyrized as the panacea for all evils. He, however, must say, that the power to sit in Parliament, which had, by the Relief Bill, been extended to the Catholics, was to the exclusion of the Representatives of the Irish Protestant interests; and the country now had a Ministry which, by its weakness and vacillation, had given to the resistance to tithes in Ireland, a force which, otherwise, would never have been attained; and who, while professing their attachment to the religion of the country, presented a Bill to the Legislature, in which the principle that Dissenters should be relieved from all dues for Church purposes was, at

least, tacitly acknowledged; a Bill which mutilated the Church Establishment, and by which the dissemination of the Protestant religion was more discouraged than promoted. He was not reckless to consequences, and he saw such prospects as would justify him in opposing this measure. The noble Lord then went into a history of the origin of the first fruits, up to the time of Queen Anne, when their present application was settled, which was subsequently confirmed by an Act of Parliament in the reign of George 1st. He argued that the arrangement as to the first fruits then furnished no precedent for the imposition of an exclusive and separate tax upon the clergy, from which, under ancient statutes and charters, they were completely protected. Had the clergy shown no resistance to this tax — had their consent been asked to its imposition, and had they been separately called upon to concur in it? If a separate tax like this was to be imposed upon them, they had the same right, as anciently, in convocation, separately to reject, or to assent to it. As to the Vestry-cess, there was no commutation there. The Bill proposed expressly to relieve the community from that tax, and to lay it upon the clergy. It might be right to endeavour to remedy any vexation attendant upon that mode of assessment, but the tax that was proposed to be laid on the clergy in substitution for this Vestry-cess was a most objectionable one. He only used the terms which had been employed by a Member of the Government in another place on a recent occasion, when he said, that there could not be a more vicious principle than that of a graduated Property-tax. He was surprised at the asperity towards the Church that had been displayed on this subject by a noble Marquess last night. When he heard that noble Marquess declare that this Vestry-cess was wrung from the hard hands of the poor, to support, in splendor, a Church Establishment in Ireland, he (Lord Mansfield) thought that he was listening to the words of a popish priest. Certainly no Roman Catholic could have spoken more disrespectfully of the Protestant Establishment of Ireland. The releasing the community from this tax, on the ground that it was hard to impose it on a Catholic population, would constitute an absolute premium for dissent. If such a principle were to be admitted, they would find many to say—"Why should we pay for a Church Establishment at all when we do not want one?" They had heard much about "cheap law." There were many persons in this country who were anxious to get, what they called "cheap religion," and he could assure their Lordships, that the doctrine that we could do without any Church Establishment at all, had spread to a very alarming degree indeed. If this tax was burthensome, the evil might be remedied by shifting the burthen from the occupiers of the land to the proprietors of it. He, for one, could not approve of the mode in which the proposed Board of Commissioners was to be constituted. Its composition did not afford sufficient security for the important business which would be intrusted to its charge. It appeared to him that where the interests of the Church were so materially concerned, all the Bishops of Ireland should be members of the Commission. He could not discover any principle by which it was proposed to reduce the number of Bishops in Ireland so low. The labour of the Bishops was not in proportion to the amount of population, but to the geographical position of their parishes, and their labours were great in proportion as the population was scattered over a large space. At all events, there was no reason for diminishing the Bishops in the north of Ireland, where the Protestant population was greater than in other parts of that kingdom. It might be said, that a great proportion of them were Dissenters, but there was a presumption, that at some time or other they might rejoin the Church. This he could state of his own knowledge, that many of the Dissenters in England were opposed to this Bill, justly looking to the Established Church as the best protector of their interests. He thought the clause as to the suspending of appointments to parishes, where service had not been performed for three years, a most objectionable one. What an inducement would it not afford to a Catholic priest, inflamed with a bitter hostility to the Protestant religion, to excite his ignorant and bigoted flock to insult and drive away the Protestant minister from the parish where he resided?

Lord *Plunkett* observed, across the Table, that the term specified in the Bill was three years previous to the 1st of February, 1833.

The Earl of *Mansfield* thanked the noble Lord for the correction, but still his argument against the clause would apply to it. This measure had been called one of spoliation, but that was a term that he would not apply to it. It was most un-

just, however, to impose a separate tax on a body that was by law protected from separate taxation. This Bill differed much from the Bill as it was originally brought forward. The 147th clause in the original Bill proposed to apply the surplus to purposes other than ecclesiastical. That clause had been struck out through motives of conciliation, which he did not blame, and which had produced the desired effect in the minds of some noble Lords; but he (Lord Mansfield) thought there still remained enough of vicious principle in the Bill to justify him in opposing it. He was of opinion that, as the subject of making an application of Church property to secular purposes had been latterly so much canvassed out of doors, and in another place, that it would have been well if the noble Earl opposite had gone out of his way to make a declaration on that point. If the noble Earl had said, that as long as he was Minister of the Crown, he would oppose the appropriation of Church property to other than ecclesiastical purposes, such a declaration from him would have done more to protect the Church than all the eloquence and zeal of all the noble Lords in that and the other House of Parliament in its support. He did not doubt the sincerity of the noble Earl's attachment, which he had so warmly expressed, to the Protestant Church and Protestant Establishment; but he must be allowed to say, that the noble Earl had a very singular way of proving it. He did not doubt the attachment of the noble Earl to the Constitution of the country, which the noble Earl so strongly professed in advocating the Reform Bill, but he apprehended that the noble Earl did not now consider that experiment quite as successful as he had then supposed it would be. He did not doubt the attachment once so emphatically expressed by the noble Earl for the order to which he belonged—for that House, whose independence it now seemed was to be restrained in consequence of an advice given by the noble Earl to his Sovereign, to use powers that had been vested in him by the Constitution for far different purposes. Judging from the noble Earl's rank, character, and station, he had no doubt that the object of the noble Earl was to maintain the prosperity and glory of the nation, and to transmit it with augmented splendor, in connexion with his name, to posterity. He must, however, be permitted to say, that there was this fatality attending all the projects of the noble Earl, that while they excited the alarm of all those who were anxious for the preservation of the institutions of the country, they met with the approbation of all those who wished to subvert those institutions. True it was, that those persons gave only a qualified approbation to the noble Earl's measures; they thought that he did not advance with sufficient rapidity, but in thinking so they showed themselves the most unreasonable beings that had ever been known. The present situation of the country might be compared to that of persons in a loaded waggon, passing at its utmost speed down a railway. They were hurried along at a rapidity of which they were themselves unaware, but which was manifest to the spectators, who beheld their progress, an easy progress, though violently rapid, until some obstacle in their way should cause a convulsion to ensue, a convulsion which, in this case, would be more to be wished than dreaded, if it might save their Lordships from that abyss of which it would give them a sight. In conclusion, the noble Earl observed, that he should infinitely prefer seeing the Roman Catholic religion established in Ireland, as the Presbyterian religion was established in Scotland, to the passing of the present measure, which mutilated the Protestant Church, and would encourage in the minds of Roman Catholics hopes of its total extinction.

The *Marquess of Lansdown* rose amidst a call for adjournment, and observed, that he was not at all surprised at the feeling that appeared to exist in favour of an adjournment; at the same time he could assure their Lordships, that if that feeling were excited by an apprehension of his addressing them at length, the apprehension was one which he should in a few minutes allay, for he felt that, at the present advanced period of the discussion, which had now lasted two nights, he should be wholly unpardonable if he added materially to the fatigues which their Lordships had already experienced by trespassing to any length upon their patience. He was willing to hope, from the tone of what he had heard, and from the temper manifested by noble Lords, who certainly were not prejudiced in favour of the measure, but who, nevertheless, had evinced a disposition to meet the question fairly, and not exclude from their view, as some had proposed, the consequences which might result from the failure of the Bill,—he was willing to hope, looking to these circumstances, that other opportunities would be afforded for

discussing the subject hereafter by the House now assenting to the second reading. He therefore proposed, on this occasion, strictly to confine himself to a few points arising out of the speech of the noble Earl who had just sat down, and from a consideration of the provisions of the Bill itself; excluding all those collateral subjects which had been introduced with the effect of extinguishing the real question in debate, and arousing angry and polemical feelings, such as had been especially the curse of that part of the country for which the House was now called to legislate. Those feelings he had hoped that every noble Lord, especially those who sat there as ministers of peace, would be anxious to allay. He had heard from the noble Earl opposite an admission, which, though it appeared to the noble Earl to lead to a contrary conclusion, formed the actual foundation of the present measure. He fully agreed with the noble Earl when he spoke of the existence of a growing disposition in the country to criticise all establishments whatsoever, and perhaps somewhat hastily to reject their benefits, and indulge in a love for what the noble Earl termed cheap religion. What was the conclusion to which the noble Earl came from those facts?—That establishments were to be left untouched and unreformed, and as dear as possible, for the purpose, as it would seem, of strengthening that spirit of opposition and innovation which tended to destroy them altogether. He certainly was surprised at the noble Earl's conclusion; it astonished him to see the noble Lord opposed to the existing disposition to criticise and reject establishments as now constituted, a determination to maintain them precisely in their present shape, without any attempt at rendering them more popular, or strengthening their foundations by a removal of abuses. The noble Earl had declared, that if the course which he proposed did lead to convulsion, perhaps the sooner it came the better. It certainly added to the astonishment with which he had heard the noble Lord, when he broadly stated this, and admitting that his propositions would probably lead to a convulsion, express a hope that out of the crisis some benefit might arise. As to what that benefit was, the noble Earl did not appear to have any very distinct idea; he did not state that he expected the Church to survive the shock, or pass through the ordeal into an improved state. Whatever might be the noble Lord's ideas on the subject of a convulsion he sincerely deprecated it; he spoke the sentiments of the Government, and he hoped of a majority of their Lordships' House, when he said, that there was no expedient by means of which a convulsion might be avoided which it was not the duty of the Ministers to propose and the Legislature to try. With this view he was prepared to do all in his power towards conciliation. He trusted that their Lordships would adopt the same course, forgetting where they could, and inducing right reverend Prelates, if possible, to forget and abstain from all irritating topics. At least he thought some advantage would be derived from an attempt to heal wounds that had been caused and kept open by an unwillingness, on the one hand, to admit of the application of proper remedies, and by a disposition on the other to keep alive rankling animosities. They had been told by some noble Lords, that they were precluded from adopting the course now proposed by some immutable law or rule which rendered it impossible to touch the Established Church even with a view to its benefit and improvement. If so, of course it would be altogether useless to enter into those considerations of expediency on which notwithstanding the denunciation of the noble Duke opposite, he thought it indispensable to rest his vote. But he denied *in toto* the existence of this preliminary and insuperable obstacle. If, however, there really was such an obstacle to reform in the Church, the last conclusion he should be disposed to draw from its existence would be the safety of the establishment when, in reference to that, all improvement was precluded. If the abuses of the establishment were permitted to continue, the Church would not exhibit the spectacle of a great and flourishing constitution, but would gradually assume a character of decay and ruin. He was far from agreeing with the noble Duke opposite, that because of the importance of the subject they were precluded from considering the question of expediency; on the contrary, he thought that the magnitude of the subject afforded the very best reason for entering into such a consideration. He maintained, that Ministers had been forced, and their Lordships were forced, by circumstances apparent to all the world, to take the subject of the Irish Church in hand, and that Ministers would have been justly chargeable with extreme weakness and dereliction of their duty if they had not submitted the present measure to Parliament. He wished to add to the authorities already enumerated on this subject the great and

distinguished name of Paley—a man whose attachment to the Church of England no one could doubt. At the outset of one of the ablest chapters of his work, in which he defended the principle of a Church Establishment, he declared that "a religious establishment was no part of Christianity, but only the means of inculcating it." And on that principle he treated an establishment as "a scheme of instruction, the single end of which was the preservation and circulation of religious knowledge. Every other idea and every other end which had been mixed up with this object had served only to debase the Constitution, and to introduce into it numerous corruptions and abuses;" and an establishment was always to be tried with reference to its adequacy as an instrument of instruction. The measure then before their Lordships was to be considered as affecting two important branches in Ireland. First, as it bore upon that body which he greatly respected—the clergy and hierarchy of Ireland. It certainly was of the utmost importance that the clergy should be placed in that situation in which they could be made to bear most efficiently upon the instruction of the great mass of the Protestant population. Notwithstanding the able, learned, critical, and minute detail of the right reverend Prelate, he thought it was not necessary for him to do more than to refer to the unanswerable statement of his noble friend, the noble Earl who had opened this subject to the House yesterday, as to the relative duties of the Bishops in England and Ireland, to show, that the reduction in the number of those in the latter place, could be made without any injury to the Established Church, the criterion which his noble friend had taken was, that of the number of benefices under the jurisdiction of the Bishops in the two countries. [Earl *Grey* remarked, that he had taken both population and the benefices]. His noble friend said, that he had taken both; but as he recollected his noble friend's argument, he laid the chief stress on that which he (the Marquess of Lansdown) took to be the best criterion—that of the benefices. The right reverend Prelate, however, had taken population as his criterion, and rejected that of the benefices. He took population, and he took it in the inverse ratio in which it had been alluded to by others; for, according to his argument, the fewer Protestants and the more Catholics there were in any diocess, the greater would be the labour and care of the Prelate, who presided over it; so that according to this mode of reasoning, if the whole of Ireland became Catholic, the labours and duties of the Bishops would be so much increased, that it would be necessary not to have the number diminished, but that they should be trebled or quadrupled. This, however, was an argument of the right reverend Prelate which he would not pursue, for he was sure it was one which could not produce conviction, but rather excite astonishment in the minds of those who heard it. If the number of Bishops in Ireland were too great, as he contended had been made out by his noble friend, he thought it was clear that the duties would not only not be well performed, but neglected. He would only look to the number of Judges, for they might apply the same rule to the dispensation of human as to that of divine law. If they were to add fifteen or twenty to the number of the Judges of the land, he believed, it would be admitted, that the result would be, that the duties of that high and important station would be neglected. In his opinion, therefore, the proposed reduction in the number of the Bishops would, by bringing their number more in proportion to the extent of the duties they had to perform, render that number more efficient. But what was the contemplated result of this measure? Was it not to render the great body of the working clergy more efficient? To those who were afraid that one effect of the measure would be, to let in a flood of Popery on the Protestant Establishment and the Protestants of Ireland, he would say, let the measure be tried by the test of experience. He would beg of noble Lords to consider what would have been the result, if when the measure of the union of the two kingdoms was arranged more than thirty years ago, some such provisions as those of this Bill had been made. What would now be the situation of the clergy, if the sum of 50,000*l.* a-year, had, at the time of the Union, been set aside for the improvement of small livings—if 20,000*l.* a-year had been devoted to the building of churches, and 10,000*l.* to the erection and improvement of houses for the inferior clergy. Would not these measures, if adopted at that time, have had, before now, the effect of creating an efficient, valuable, and most useful body of clergy, who would have been prepared to resist those attacks on the Church which some noble Lords seemed to apprehend? These were advantages which could not, of course, be expected to flow all at once from the Bill before the

House; but they might be expected to result from it in the course of some time: and whenever they did occur, would they not be of the greatest advantage to Ireland? These, then, and the payment of the Vestry-cess for certain outlays for the Church—a payment which had heretofore brought much odium on the Establishment, and on which strong doubts existed, whether it was not a charge the burthen of which ought to fall on the Church itself—were results which would follow from this Bill, and which rendered it, not only expedient, but necessary. He would ask further, and with this he would conclude, whether another important effect would not follow from this measure—namely, the effect which it would produce on the Catholic population of Ireland. That effect, he contended, would be the beneficial influence of a resident Protestant clergy amongst the Catholic population. The residence of the clergy on their incumbencies would be the object of another measure which was to follow close on the present, and whatever might be the opinion of the right reverend Prelate (the Bishop of Exeter) on this Bill, he was sure, that the Ministers would have his support for that other measure. The permanent residence of a Protestant clergyman on his living, would be attended with at least this effect—that though he might not be the minister of religion to the larger number of the inhabitants of the parish, considering the disproportion between the Catholics and Protestants, still he might be to them the minister of peace; for he would, by his station and his constant residence, have constant opportunities of conciliating their good-will by a variety of good offices. In fact, if they took away the odium which attached to the Established Church by the collection of Vestry-cess, and established a resident clergy, they should establish a firm link of connexion between the Protestant clergy and the Catholic population of Ireland, which would be found most advantageous to the Established Church, and to the people of Ireland. In that view alone he thought, that the Bill now before the House deserved the best support of their Lordships. In thus relieving the establishment of a number of Bishops, which were not necessary, he would contend that they would still have an establishment amply sufficient for all useful purposes, and with the results to which he had already referred, they would have a greatly improved and more useful body of working clergy; for, after all, it must be admitted, that it was from the exertions of that class of the clergy, that the greatest influence on the moral improvement of the people of Ireland must be expected. But the remedial measures in the contemplation of Government were not to rest here; the present was not the only remedial measure which was to come under the consideration of their Lordships. It had been intimated, and most unjustly, in the course of this debate, that it was; but the intimation was incorrect, as a reference to the proceedings of the other House would show. Measures had there been introduced in rapid succession (he would almost say too rapid to be consistent with that due consideration which their importance required), the objects of which were the correction of abuses, and the establishment of a better system on many important subjects in Ireland. He would only mention the Irish Grand Jury Bill, which would make most essential improvements in the local administration of justice in that country. There were also other measures which would be brought under their Lordships' consideration, the objects of which were further improvements in Ireland; and he hoped, that when they did come, they would receive due consideration. In conclusion, let him add, that if their Lordships should concur in the Bill before them, as he hoped they would, he did augur from its passing into a law, not a rapid, but a gradual, safe, and certain improvement in the fortunes of Ireland; not excluding the Established Church and all the interests connected with it, and a consequent stimulus to the general prosperity of that country.

Debate again adjourned.

HOUSE OF COMMONS,
Thursday, July 18, 1833.

MINUTES.] Papers ordered. On the Motion of Colonel EVANS, the Number of Stamps issued to all the London Newspapers, from 1st January, 1832, to the 30th June, 1833.—On the Motion of Mr. WILKS, a Copy of the Correspondence between the Board of Control and the Court of Directors of the East-India Company, relative to the Renewal of the Company's Charter, and the Bill relating thereto.—On the Motion of Colonel HANMER, an Account of all the Donations and Subscriptions to the St. George's Fund of the Royal Regiment of Horse Guards, since its Establishment; of the Number of Pensioners benefited by it; and the Number of Contributors to the said Fund, in 1805, 1815, and 1825.—On the Motion of Sir SAMUEL WHALLEY, an Account of all the Prisoners at present Confined in the several Metropolitan Prisons; also an Account of the Property and Money of Convicted Felons, by whom received, and how disposed of, from July, 1823, to July, 1833.—On the Motion of Mr. HUME, a Copy of the Supplementary Commission, and Additional Instructions for the Island of Ceylon, referred to in the Despatch from Viscount GODERICH, of 23rd March, 1833, to Sir R. J. WILMOTHORTON; also a Copy of a Despatch ad-

dressed by the Secretary of State for the Colonies, to the Lieutenant Governor of Upper Canada, dated 8th November, 1832.—On the Motion of Mr. RIGBY WASON, a Return of all Orders in Council, and the Dates thereof, with the Names of the Parties under which Slaves were Transported into Demerara from the Bahamas, or any other British Colony, since 1815.—On the Motion of Mr. FITZGERALD, the Names and Residences of the several Bailiffs appointed by the Town and Corporation of Dundalk, since the 1st of January, 1813.—On the Motion of Sir THOMAS FREEMANTLE, the Names of all Persons appointed Commissioners of Bankrupts for Cambridge, since January, 1833: the several Lists of Commissioners for Cambridge, and the Number of Fiats addressed to each List in the same period: also any Application made to the Court of Review in consequence of the Absence or Non-attendance of any Commissioners named in these Lists.—On the Motion of Mr. WALLACE, a Return for the year from 12th November, 1831, to 12th November, 1832, of the Months, Days, and Hours, at, and during which, the Judges of the Court of Session in Scotland take their Seats, and remain on the Bench; also the Number of Judges who sit together daily on the Bench, in each Division of said Court, with the commencement and termination of the Vacations and Holidays of the aforesaid Court of Session: also a similar Return for each of the last three years, in reference to the Sheriffs Depute and Sheriffs Substitute of Scotland, with the Names of those Persons (if any) to whom these Judges have delegated the Duties of their Office, in each of the last three years.—On the Motion of Colonel EVANS, an Account of the Authorities by which the Municipal and Parochial Affairs of the City and Liberty of Westminster are managed.

Bill. Read a second time:—Procurators (Scotland).

Petitions presented. By Mr. YELVERTON, from Carmarthen, against the proposed Grant to the West-India Proprietors, till their Loss shall have been proved.—By Mr. SHEIL, from Erdremine, for a Repeal of the Union.

FACTORIES' REGULATIONS.] On the Question that the Speaker do leave the Chair, on the House going into Committee on the Factories' Regulation Bill,

Mr. *Robert Ferguson* said, that he would embrace that opportunity of stating his general opinion on that very important Bill. But first, he would state, that his reason, and he believed that of many other hon. Members, for voting in favour of the appointment of a Commission, was not grounded on a desire for delay, but arose from an anxiety to have the fullest information before the House. And here he would give the noble Lord, with whom the Bill originated, the greatest credit for the patience he had shown. In order to bring the grounds of his opinion before the House, it would be necessary for him to refer to the Report of the Central Board of Commissioners, which contained a recommendation respecting the regulation of the young people and children, which was fraught with mischief, and, he thought, impracticable. The recommendation was, that children from ten to fourteen years of age should be employed eight hours, and those above that age ten hours. If this were to be determined on, it would be found, that the adults would be unable to complete the work left unfinished by the children, unless at a ruinous expense to the manufacturers. In no places would there be found a sufficient proportion of infantile population to supply the deficiency of time, and the general result would be the substitution of machinery, which would rather tend to increase distress than to reduce it. But it had been said, recourse could be had to the foundling hospitals for a supply of children; that was an alternative which he could neither recommend, nor could the manufacturers depend on it, unless, indeed, it was intended, that these establishments should be increased throughout the country. Looking over the evidence that had been obtained, he must say, that the recommendation of the Central Board was not supported by the evidence of the other Boards in the Commission. The answers of Mr. Buchanan to several questions which had been proposed to him, clearly showed, that the proposed plan would render it necessary to have relays of work-people, and that, in many counties in which there were factories, it would be impossible to obtain a sufficient number of hands to form relays; besides which, by limiting the hours of labour, the wages would be reduced to nearly one-half what they were at present. He had also received a letter from a gentleman in Scotland intimately acquainted with the subject, which also showed the impracticability of carrying the proposed plan into execution, and upon similar grounds to those stated by Mr. Buchanan. He would also advert to the evidence of the medical men, from which it appeared, that the most delicate period in the life of a female (and two-thirds of the juvenile labour in factories were performed by female children), was from thirteen to eighteen, and yet, by this Bill, children above fourteen years of age might be worked for any number of hours. He had, therefore, come to the conclusion, that the restriction of hours of adults or children by legislative enactment would be attended with anything but a benefit. If the Bill passed, he hoped the hours of labour for children would be extended to eleven, for he felt confident that period was not too long. One very valuable recommendation made by the Commission was, the appointment of visitors who could at any period visit the factories, and see that the children were well taken care of, and not over-worked. He thought the

House would not object to the expense necessary for such a purpose, and that would do away with the necessity of many of the clauses of the Bill.

The House then resolved itself into a Committee on the Bill.

The first Clause was postponed.

The Chairman read the second Clause, relative to the labour of persons under eighteen years of age to ten hours a-day.

Lord *Ashley* moved to fill up the first blank in the clause with the word eighteen.

Lord *Althorp* said, the question then for the decision of the Committee was, whether that number of hours, and the age of young persons as it stood in the clause were proper. The first point to which he should call the attention of the Committee was, whether it was desirable to consider young persons of eighteen years of age in the light of children, and requiring legal protection. He did not propose in any way to interfere with the protection given to young persons by Sir John Hobhouse's Bill. So far from that being his object, he would at once consent to its provisions being extended to other mills than cotton mills. He confessed he did look at the Bill then in Committee with very considerable apprehension. It might be attended with extreme danger to the manufacturing interests of the country, and of course, if it had any tendency to hurt that interest, it would take away the very bread of the people for whose benefit the Bill was intended, by depriving them of the demand for their labour. Now, it was clear, that if such an event were to happen, the consequences would be most alarming, for the effect must be, that great masses of people would suffer from famine; and who could contemplate such a state of things without great apprehension? If the masses of population who were congregated in our large towns were thrown out of employment, and threatened with starvation, dangers the most alarming and most fatal would arise to the whole community. The question, then, was, whether the limitations of hours proposed in the Bill would not have such an effect, or have a tendency to produce such a calamity. He thought it was quite clear, that if they prevented all persons under eighteen years of age from working longer than ten hours a day, the effect would be to prevent the manufacturers from working their mills longer than that period. Then what would be the effect of diminishing the manufacturing labour of the country to ten hours a-day, when all other nations who were rivalling us in manufactures were unlimited and unfettered in their mode of conducting their business? It might be, and it had before been said, that the only effect of it would be to make the manufacturers embark a larger capital, and build more mills, so that the only loss would be the interest upon the extra capital. But, at the present moment, improvements were every day taking place in machinery, so that what was in use a few years ago, was now thrown aside. Suppose those improvements were to take place at such a rate that new machinery were required every five years, the difference in the manufacturer's profits would be so large, if his labours were cut down from twelve to ten hours, that his ruin would be certain. The effect might be, to drive the manufacturer out of the market, as he would not then be able to compete with the manufacturers of other countries. The House had been told, and he believed it to be the case, that at the present time, though in full work, the manufacturers were working at the lowest possible profit; if, therefore, any considerable reduction of that profit took place, the effect would be, that the manufacturers would be working at a loss, and would be unable to continue their business. The consequence, therefore, of any arrangement that would diminish materially the operations of the mills, would be, that a great reduction would be made in the wages of the workmen. Those wages, it was well known, were at the present time very moderate; and he thought, that the advantage to the workmen of only working for ten hours a day, accompanied with a diminution of their wages would not confer any benefit. The House had heard a great deal of the effect the work in these manufactories had upon the health of the persons employed. It had been stated before the Committee, that the general appearance of the young persons was pallid; but, in the evidence before the Commissioners it had been stated, that though that was generally the case in the boys, the girls were as healthy as they possibly could be. With respect to the deformity of the person, it was in evidence, that most cases of deformity had occurred when the machinery was differently constructed from that at present

in use, and at a time when the operation of the machinery so constructed had a tendency to produce deformity, which was not the case with the machinery now employed. Having these views, he must confess, that he did not look to the alterations proposed in the present system with any degree of confidence, but with fear and trembling. However, he was inclined—and he thought that was going as far as the Legislature could safely proceed—to protect those who were totally unable to protect themselves; and, in his opinion, that protection ought to be extended to children not having entered their fourteenth year; that is, to children thirteen years old; and that they should not work more than eight hours. The recommendation of the Commissioners was, that they should not work more than eight hours a day, and, in that recommendation, he was inclined to acquiesce; because he did not think the effect of adopting that course was likely to be destructive of the interests of the manufacturers of the country. He apprehended, that the following of that recommendation would not have the effect of compelling the mills generally to be stopped more than at present was provided for by Sir John Hobhouse's Act. To extend that Act, and to limit the hours of labour for children under thirteen to eight hours, was in his opinion all the House could at present safely do; and if it was afterwards proved that further protection was required for the children, he could see no reason why the Legislature should not again interfere. He trusted, that the Committee would be cautious how it proceeded; for if they were now to take one false step, and curtail the profits of the manufacturer, and lessen his power to compete with foreign rivals, the consequences might not be immediately apparent, but the mischief would be irremediable. He therefore entreated the Committee to pause, and recollect what immense mischief they might effect. He should move, that the age of thirteen be substituted for the age of eighteen in the clause. He would afterwards propose an Amendment limiting the labour of children to eight hours. He would also propose to extend Sir John Hobhouse's Act to all other mills. He was aware, that there was a difficulty as to silk, but that might be a subject for after investigation. Perhaps it would make no great difference if they said fourteen years instead of thirteen, but he would take the latter as the recommendation of the Commissioners. If the Committee adopted the noble Lord's views, he should probably have no other Amendments to propose—if the Committee adopted his Amendment, he should have other Amendments to propose.

Lord *Ashley:* If the noble Lord was unwilling to take upon himself the responsibility of the measure, he (Lord Ashley) was quite willing to take all responsibility on himself to the extent of his proposition; and should always rejoice at having brought forward this Bill. He was much astonished to hear the evidence referred to as not affording allegations of the evils arising from the present mode of employing the children. Had the noble Lord read the evidence of Dr. Loudon? [Lord *Althorp:* Look at the others.] Well, he would do so; he would turn also to that of Dr. Hawkins. But, first, of Dr. Loudon. That Gentleman stated, and the noble Lord quoted his evidence, that the present prolongation of labour was an act of the utmost cruelty. He says, that the employment of children for ten hours was, in fact, an occupation of their time for thirteen hours, as the remaining three were consumed in going to and from, and taking their meals. It would be remembered by the Committee, that Dr. Loudon had been to the woollen districts, and he declared, as a physician, that ten hours a-day were all that should be occupied by children both in labour and meal times. Dr. Hawkins, who had been to a cotton district—in fact the principal manufacturing district of the kingdom—declared, that no child of less than ten years of age, should be allowed to work, and that ten hours a-day were the utmost that any should be occupied who were under eighteen years of age. He would call on the hon. Gentleman who proposed the Commission to be guided by the opinion of his own Commissioners. He would request him to attach sufficient importance to that of Dr. Hawkins, who said he was supported by the opinion of the majority of the medical men who practised in that district. The noble Lord had said, that the children working in factories did not evince more unhealthiness than those children who were engaged in other employments. But what said the evidence of Dr. Hawkins? Why, that he had taken 350 factory children, and 350 other children, and the result of his investigation into

the state of their health was, that the proportion of sickness among the factory children was double that of others. Dr. Hawkins declared, that in the manufacturing districts, as compared with others, there was an alarming extent of intemperance, improvidence, and dissipation; and that this arose from the many hours in which they were employed, and which drove them to drinking spirits as a means of momentary excitement. He (Lord Ashley) would say, take the two evils—the one represented by the noble Lord, as consequent upon foreign competition, which, however, were only problematical, if the number of labour hours were reduced; and the more enormous evil which did and would continue to arise out of a daily exhaustion, which brought about intemperance and dissipation—and he should prefer the danger of foreign competition to the moral degradation of the people. Dr. Hawkins had distinctly stated, that the excessive labour to which the people were subject was the cause of their dissipation; and he would rather suffer any loss than that such immorality should continue. He then referred the right hon. Gentleman opposite to one of his own Commissioners, whose opinions he declared to be borne out by that of so many eminent medical practitioners; and he cheerfully referred the noble Lord, also, to the same authorities. The noble Lord had seriously inquired if it was his (Lord Ashley's) object to limit the hours of labour for adults? He would not say, that it was directly his object to do so; but he should heartily rejoice if his present Bill indirectly produced that result, if it were only to promote a return of the working classes—of those in factories he meant—to domestic habits and domestic comforts. He conceived the complete disruption which now took place, of all domestic ties in our manufacturing districts to be a most tremendous evil, and it ought to be, if possible, counteracted. The views which he had taken upon this question were precisely those of Dr. Hawkins. The noble Lord (Althorp) must perceive, that his own Commission told very strongly against him. Dr. Hawkins stated, that the present factory system had the very worst influence upon the female's health and comfort; she had no time to acquire a knowledge of domestic duties; she was generally twelve hours at a time from home, and obliged to leave her infant confined while she was absent; and, indeed, it appeared that in some instances mothers gave their infants opium, &c. to compose them to sleep, and to keep them quiet. That Gentleman said, that to a factory labourer his home was, in fact, no home to him, and all this he traced to the present system of excessive labour. As to the limitation of the labour of adults, the noble Lord (Ashley) admitted, that he felt his Bill would have that indirect effect, but the noble Lord opposite, was wrong in arguing that it would have the effect of throwing many persons out of employment; that was the same argument that was raised against Sir Robert Peel's Bill, but the prophecy was never fulfilled. In proposing a limitation to eight hours, the noble Lord (Althorp) must have acted on the Report of the Commissioners, but there was no evidence in the body of the Report that justified such a limitation. A Mr. Sutherland, it was true, had given his opinion, that it was practicable to get two sets of hands, but in that he was contradicted by other evidence. The evidence went to show that it was impracticable to obtain two sets of hands in any immediate neighbourhood, but it was said, that the poor-houses and other places should be ransacked to obtain children from all parts of the kingdom. Was the House prepared to say, that a master manufacturer might send his waggon to any part of the country for a load of children, like so many hogs, and bring them away from their natural protectors, to place them, unprotected, among strangers? In 1815, Mr. Horner, who spoke upon Sir Robert Peel's Bill, condemned such an exportation of children as most repugnant to the best feelings of our nature, and instanced an atrocious case that occurred before the Court of King's Bench, in which a number of children had been apprenticed by a London workhouse to a manufacturer in the country, and by him assigned over to some other person. It then appeared that the manufacturer agreed with a parish in London, that for every twenty healthy children sent to him he would receive one idiot. Surely the noble Lord could not desire to renew those scenes. The noble Lord mentioned a number of persons who had given evidence against the practicability of obtaining two sets of children, according to the plan of the noble Lord opposite; among whom were Mr. Gregg, Mr. G. Walker, of Leeds, Mr. Worsley,

Mr Clarke, Mr. Ashley, Mr. Thomas Ogden, Mr. Strutt, Mr. H. Houldsworth, Mr. Marshall, &c. When Mr. Poole, who had stated that two sets would be practicable, was asked whether he made that suggestion for the benefit of the children, he replied that he made it as a mode of meeting the outcries for legislation [*Hear, hear.*] He supposed from that cheer that his opponents admitted their plan to be injurious [" *No, no,*" *from Lord Althorp*]. He thought that was the proper inference [" *No, no,*" *and a cry of* " *It is only a choice of evils*"]. Then, if both were evils, he supposed that his opponents meant to contend that his was the greatest evil. If they thought so, then let them boldly come forward and throw out the Bill. What security, he would ask, could they have that the same children should not work at two mills? All the medical evidence proved, that twelve hours' labour for females was too much, and it was monstrous to throw, by legislative enactment, such a degree of labour on any woman. If the noble Lord proposed three gradations of labour, there would be, he supposed, three relays or videttes, and that was a system strongly condemned by the noble Lord's own Commissioners. He admitted, that the noble Lord's proposition was in accordance with the Report of the Commissioners; but it was contrary to the evidence on which that Report was founded. He declared himself to be strongly opposed to the plan of employing two sets of children, which the proposition of the noble Lord would cause. He took his stand upon the medical evidence; upon that he relied still, and on that he contended, that more than ten hours' labour was wholly unwarranted.

Sir *George Phillips* had been engaged in the manufacturing business; he had lived all his life in a manufacturing district; and he frankly confessed he could not speak on the subject with all the confidence of the noble Lord (Ashley). It was generally known, that confidence was in proportion to want of knowledge; and if the noble Lord were aware of the danger, he would be the last man to propose such a Bill. He saw, from certain Returns laid on the Table of the House, that the declared value of one of our exports was 36,000,000*l.* The cotton manufacture alone exceeded upwards of 17,000,000*l.* The other manufactures exported, to which the Bill applied, amounted to upwards of 7,000,000*l.* More, therefore, than two-thirds of our exports consisted of manufactures which would be subject to the regulations of this Bill. To refer to another criterion—the official value of our exports was 64,582,000*l.* The cotton manufactures exported (including twist) alone amounted to 43,000,000*l.* and upwards; the other manufactures exported, to which the Bill applied, brought the amount up to 53,000,000*l.* and upwards. Thus the exports to which the noble Lord's Bill applied extended to three-fourths of the exports of the country. This Bill applied to a multitude of men profitably employed, and generally speaking living in comparative comfort. His fears of the probable results were quite as great as the noble Lord's confidence, and his fear would be extreme if he could suppose that the House shared the confidence possessed by the noble Lord. If the noble Lord's Bill were to pass, the manufacturers said, that they must reduce the wages of labour 25 per cent. The hon. Baronet referred to a paper supplied him by a manufacturer, to show that the reduction of wages in the spinning factories alone, by reducing the hours of labour from twelve to ten, would be not less than 600,000*l.* per year. He, therefore, could not consider anything more dangerous than to meddle with the matter. It would endanger the tranquillity of the country. When any necessity had arisen for reducing hours of labour, the greatest anxiety and uneasiness had always been felt in the manufacturing districts by all classes, particularly the labourers themselves, who were glad to have a return of the increased hours, in order to have increased wages. There had been a great delusion on this subject. The hon. Baronet referred to the evidence of a Gentleman, who had believed that great distress existed in the manufacturing districts, and who had recently been at Manchester, who declared, that he had never met with people more contented or better fed than in the factories at Manchester. One of the workmen told that Gentleman, that he would be glad to have a reduction of labour, if there were to be no reduction of wages, but if wages were to be reduced, he dreaded the consequences, and that great misery would ensue. This labourer, therefore, was apprehensive, though the noble Lord (Ashley) was not, of the probable result of his Bill. The noble Lord had no apprehension of the foreign manufacturers—but the manufac-

turers had apprehensions. In America, wages were as low as in England, and in South America, and the islands of the Mediterranean, the English manufacturers were met by the American manufacturers, and had to contend against them. In America, improvements were continually made in machinery, and some of those improvements had actually been introduced into this country. As to the medical evidence, those who looked only on one side, might come to any conclusion they wished. The factories were very differently managed; some were healthy, and others unhealthy and unwholesome. Were they to legislate for the whole because some were bad? Before they proceeded to make new laws, they ought to take care to make their past legislation effective. In the present state of the country, and of public opinion, however, he admitted that some legislation, was necessary, and that the labour of children ought to be reduced. He did not believe that employing relays of children was so impracticable as the noble Lord supposed. The hon. Baronet then read some Resolutions adopted by the master cotton-manufacturers, approving of the plan of the Ministers, and declaring that Lord Ashley's Bill would be their ruin. The hon. Baronet also referred to the authority of Sir David Barry, to show that the work of the factories was not so injurious to children as had been asserted. That gentleman had not seen a single case of deformity but what had been caused by machinery no longer in use. The hon. Baronet also quoted the evidence of persons as to particular mills, to show that in some the happiness of the people was very great. He also referred to the report of Mr. Stewart, to show that the workers were in good condition and contented. The hon. Baronet also referred to the evidence to show that many of the questions asked were leading, and the answers given were rather given by the examiners themselves than by the people, who only acquiesced in what they were asked. He admitted the humanity of the call made upon the House by that Bill, and by the public; but he warned the House that much of the agitation on the subject arose from paid and hired agitators, who lived in idleness, upon the contributions of others. Great difficulties were caused by those people ["*Name!*"] He would refer hon. Members to the Report, and it was not necessary that he should name these agitators. The hon. Baronet quoted the Report to show, that hostility had been manifested by those called Delegates of the Working Classes, to the inquiries instituted in a most unexampled manner. This was a subject on which the House should be on its guard. The hon. Baronet declared that, though there were mismanaged mills, yet, in the well managed mills the condition of the people was better than that of people engaged in any other manufacture. The condition of the people, also, in those districts, and throughout the factory districts, was much superior now to what it was when he was born. Before the factories' people were collected in factories, they spun or wove in damp cellars, and were liable to all the diseases arising from such an abode. In Lancashire, it was well known, that delicate people were sent into the factories, because they were delicate, and in the factories they were well clothed and kept warm. Sir Gilbert Blaine said, that the people of Buckingham were amongst the most stunted in their growth of all the people of England; and he attributed that to the want of manufactures amongst them. It was well known that the average duration of life in England had increased considerably within the last century, and he would put it to the Committee if that could have taken place, unless the health of the manufacturing districts had increased, in which there had been the enormous increase of the population?

Mr. *Brotherton* wished such a measure to be adopted as would benefit all parties. He was not one of those who wished secretly to impose restrictions on adult labour; he had openly avowed his desire to limit the labour of all persons below the age of twenty-one. He had never joined in the cry against the masters; he had attacked the system, desiring to benefit all parties. He must say, that ten hours were sufficient; but there were many considerations which affected him, and he wished to extend the hours to eleven, in the hope of embracing a larger class by the restriction. There were other considerations, as he before said; he, for example, had always voted for the abolition of the Corn-laws, and for the reduction of the burthens of the country, because they were connected with the necessity for severe labour. It was not a question of pounds, shillings, and pence, but a question of morality, of

humanity, and of Christianity. It was a question of high principles. If the competition were carried on as at present, might they not be obliged to work seven days instead of six? If the noble Lord's Bill were negatived, he would propose to limit the hours of labour to seven, on the other noble Lord's (Lord Althorp's) Amendment being adopted. He believed, if two sets of children were employed, it would give rise to much fraud and evasion. He thought that the employment of two sets of children would be injurious, particularly in the silk trade. They would require at least 10,000 additional children in that trade alone in Manchester. The great apprehension was ruin by foreign competition. He would oppose everything which would endanger our manufactures; but he wished to relieve all classes. The people expected from the Reform Bill either less labour or more wages. He remembered, however, that the same cry of coming ruin was raised in 1816, but then we exported to the extent of 19,000,000*l.*; and last year the exports amounted to 64,000,000*l.* It was also said that we should banish the spinning by that Bill to other countries; but then we employed 24,000 spinners in Manchester, and now there were 56,000. Let them, therefore, do right, and fear not. Again, it was said that Liverpool would be destroyed, if the slave trade were done away; but that town had flourished amazingly since that trade was abolished. It It was, however, the duty of legislators to look to all classes; and he believed that they ought to do right, and trust in that Providence who ruled over nations as well as over individuals. He would, in the first instance, vote for the ten hours' Bill; and if that were lost, he would then move as an Amendment the eleven hours' Bill.

Mr. *George Wood* thought it was necessary to look to the general welfare, and not to be guided by any popular cry. It was necessary, however, to be quite sure that they should be able to make their legislation effective, before they made laws. They had proved that the present law was not effective, and he would have the House be quite sure that it could reduce all labour to twelve hours, as his hon. friend wished to have a Bill limiting the labour to eleven hours. He agreed with the noble Lord (Lord Ashley) that it was a measure to be considered only in its details; therefore all its details should be examined. The noble Lord, however, had relied altogether on the details given by Dr. Hawkins. Dr. Southwood Smith was opposed to Dr. Hawkins; but if they referred to individual opinion on both sides, they would never come to any such general conclusion as ought to guide them. Mr. Houldsworth had been referred to as opposed to two sets of hands; but he knew that Mr. Houldsworth was now favourable to the recommendation of the Commissioners. Mr. Ashton also was, in February last, in favour of two sets of hands.

Lord *Ashley* interrupted the hon. Member, and read Mr. Ashton's evidence to show, that he declared that two sets of hands would be a more mischievous plan; for it would expose the adults to work eighteen hours.

Mr. *George Wood* concurred in the opinion of the evil; but what was the remedy? Why, the existing law. If the law prohibited mills from working more than twelve hours, how could adults be worked in them sixteen hours? The hon. Member also quoted Mr. Ashton's opinion to show, that he saw no objection to employing two sets of hands. The hon. Member advocated the proposed plan of two sets of children, employing them eight hours a day. That would make a reduction of fifty per cent only in their wages, not 100 per cent. Dr. Hawkins, whose evidence had been relied on, proved too much. He said that ten hours were enough for all classes to work; but it was proved that, unless some of the population worked more hours than that, the deterioration of the whole must be the result. If the noble Lord could see the consequences of his measure, he would not urge it forward. Either the Bill would be inoperative, or it would cut down wages and the produce of our factories. With respect to cotton alone—with which he was best acquainted—if the production were cut down one-sixth part, the wages of the labourer would be lessened one-sixth. The sum sunk in building and machinery for the cotton manufacture, was equal to the whole amount of wages. The reduction of production would add the sixth, then, to the charge of the capitalist, on account of his machinery; and he saw not how that could be met, except by a further reduction of wages, and, therefore, he believed that the reducing the hours of labour one-sixth, would, in fact, reduce the wages of the labourer one-third. It was impossible,

too, that the reduction could be made good from any other source than from profit or wages. During the last seven years, however, the masters had barely been able to carry on their works; and if a further reduction was made in their profit, they would be ruined, or they would make the whole of the charge fall on wages. He was sure the whole would fall on wages, and they would be reduced to two-thirds of their present amount. The hon. Member quoted a statement to show that the effect of the measure would be equivalent to throwing one-sixth part of the land of this country out of cultivation.

It being three o'clock, the House resumed. The Committee to sit again.

WESTMINSTER ELECTION.] Colonel *Evans* said, that he had seen a long paragraph in a newspaper, asserting that Sir Francis Burdett and Sir J. C. Hobhouse had been kept in their places by an undercurrent of bribery and corruption. He should be the last person to countenance the insertion of such a paragraph. His hon. friend, the member for Middlesex, had been supposed to have sanctioned the opinion of Westminster bribery. His hon. friend had referred to transactions forty years ago. With regard to himself, he was sure, that no more remarkable instance had ever been given of disinterested support than he had met with in Westminster. He concluded by moving for a return relative to the municipal government of the city of Westminster, and the duchy of Lancaster, with the nature of the powers of the vestries in controlling the expenditure of parishes, and the number of civil officers in the nomination of the Deans and Chapters, with an account of any pecuniary advantages arising from such offices.

Mr. *Hume* said, that he had supported a petition from an elector of Westminster which asserted, that the principal method of bribery in Westminster, had been the paying the rates for electors; and he had founded upon that petition an argument against making the payment of rates a necessary qualification for becoming an elector.

Sir *Francis Burdett* said, he would not enter into the facts. He was quite sure, when he read that paragraph, that it was founded on mis-statements. He never knew an instance of bribery in Westminster.

Mr. *O'Connell* said, they had all recently had reason to complain of the manner in which reports had been given in that House. With regard to the proceedings of the last ten days, it was anything but reporting, it was misrepresenting. Evident proofs of ignorance and incompetency had been given. This had been the case with respect to the reports of his own speeches. He understood, that the proprietors of newspapers had recently reduced the salaries of the reporters from six guineas a week to two guineas, which sufficiently accounted for the inaccuracy of the reporting, as persons of respectability could not be obtained. It was necessary, therefore, that the public should be cautioned against taking the statements of persons who were under no responsibility for the genuine sentiments of Members of that House. He had himself been most egregiously misrepresented. He wished it to be understood, that Members of that House were not bound by the reports which appeared in the public papers. He had found many who had complained of this, but they seemed afraid to notice it. He was not afraid; and he felt it his duty to notice these misrepresentations.

Mr. *Baring* said, he agreed that an inquiry on this subject was absolutely necessary, and he hoped that the Commission on the subject of the Royal Burghs would extend their inquiries to Westminster.

Mr. *Abercromby* said, that the Commission, appointed at the suggestion of the House, was a Commission for inquiring into the state of the Corporations of England, Ireland, and Wales, and could take no notice of Westminster, as there was no Corporation there.

Mr. *Mark Philips* rose to contradict the statements of the hon. and learned member for Dublin, relative to the reporters' salaries.

The *Speaker* observed, that the remuneration of reporters was a private consideration, and related to a question which involved a breach of privilege.

In the evening sitting, the House again resolved itself into a Committee.

FACTORIES' REGULATIONS.] Mr. *Strickland* said, the real question before the House was, whether or not protection should be confined to persons under thirteen years of age. He knew a case of a young man whose thigh-bone

was completely bent by working fifteen hours a-day in a factory, and that deformity did not commence till he had attained his fifteenth year. He believed that no man could work for fifteen or sixteen hours a-day without injury; and he must, therefore, support the proposed limitation to the eighteenth year. He had long entertained a feeling favourable to two sets of children; but from the state in which the question now was, he had but little choice. He was glad, however, that the measure had been so fully discussed, and that something like a principle was established. As to what had been said of our inability, under the proposed alteration, to send our products abroad as we now did, he must say he had no fears on that head. He had too strong an opinion of the stability of the principles on which English commerce was founded, to think that its success must depend on deforming the limbs of children.

Mr. *Duncombe* said, the question had been asked whether, in the event of the Ten-hour Bill being passed, the operatives were ready to submit to a fall of wages? and he had been expressly informed by them that they would, rather than see their children exposed to such hardships as they were now compelled to submit to. An hon. Baronet had stated, in the course of the debate, that paid agitators had been sent throughout the country to excite a feeling in favour of the Bill. He positively denied that, either in Lancashire or Yorkshire, there had been anything like paid agitation. He implored the House to pass the Bill, and thus make some claim to the respect and confidence of the people. He had no hesitation in saying, as the result of a good deal of observation, that that House—that boasted Reformed House—had not much of popularity to spare. He would entreat, without urging them to pander to clamour or surrender their own judgments, to take that opportunity of reconciling themselves with the people, by meriting their confidence and respect.

Mr. *Wilbraham* supported the Amendment proposed by Lord Althorp. He objected to the original Bill, not only because it allowed too many hours for labour, but also because it made no difference between the different branches of manufacture, for it was a fact that a smaller quantity of labour in one branch was equal to a larger one in another.

Colonel *Torrens* considered the present question as the most delicate and important which had hitherto been brought under the consideration of the Reformed Parliament. It should be discussed calmly and dispassionately, and without any personal feeling, or party bias, or partial view. The interests of the masters and operatives, when truly considered, would be seen to be one and the same, and neither could derive any permanent advantage from the injury of the other. It was the interest of the labourer that the profits of the master should be ample and sufficient; for, unless profits were adequate, increased capital could not be accumulated, and without the increased accumulation and employment of capital, the increase of population could not be employed, the demand for labour would be less than the supply, and thus a permanent fall of wages would result from a fall of profits. On the other hand, it was the obvious interest of the master that his workmen should be supplied with all the necessaries required to preserve them in vigorous working condition. And further, it was the interest of masters, that the operatives should not only have their physical wants provided for, but that they should have sufficient leisure for intellectual and moral improvement; for, if destitute of this, the operatives could not perceive and feel that it was at once their interest and their duty to maintain that peace and order without which the pursuits of industry could not be carried on, or the labouring classes be adequately employed. It was obvious, it was self evident, that the interests, the permanent interests, of master and operative were inseparably connected, were one and the same; and therefore he conceived it would be practicable for the House to legislate in a manner satisfactory to both. With respect to the two propositions now before the House—that of the noble Lord (Ashley), and that of the Chancellor of the Exchequer, he (Colonel Torrens) decidedly preferred the former. By the Amendment of the Chancellor of the Exchequer, the labour of children under nine years would be limited to eight hours; the labour of young persons under eighteen would be limited to twelve hours; while those above eighteen would have no protection whatever. Now, those who supported the Amendment, admitted that it was a bad measure, and advocated it only because they felt that some legislative

enactment with respect to the limitation of labour was unavoidable, and thought that the Amendment would be a less evil than the original Motion. He (Colonel Torrens) conceived that the Amendment, if passed into a law, would make things worse than they were under the existing system, and would aggravate all the evils of which the operatives complained. They prayed the Legislature to limit the labour of their children to ten hours, and they were willing to submit to the diminution of the wages of their children to that extent. No, says the noble Lord, we will not grant you what you ask, but we will grant more: we will limit the labour of children under thirteen to eight hours, and reduce their wages in this greater proportion. The result must be, that the operatives, unable to bear this greater reduction in the wages of their children below thirteen, would be compelled to work their children above that age a greater number of hours than before. The Amendment allowed persons above eighteen to work unlimited hours; relays of children would be employed with adults, and adults, instead of obtaining relief might have to work for fourteen or sixteen hours. Thus the Amendment would prove more injurious than the existing system, and he therefore should oppose it, and give his support to the original Motion limiting the labour of young persons under eighteen to ten hours. Objections had been urged against the measure—he was prepared to meet them. It was said, that the Ten-hours' Bill would have the effect of limiting the labour not of children only, but of adults also. The noble Lord (Ashley) who introduced the measure, avowed this was a part of his object; and it was therefore urged against him that his measure was in violation of the principle that the adult labourer should be left free to make what contracts he thought fit, and to dispose of his labour to the best advantage. He admitted the truth of the principle, that adult labour should be left free, but he contended, that this, like all other general principles, was liable to exceptions. In the present case the exception was, that, in point of fact, the Legislature did not leave adult labour free, and did not permit the labourer to dispose of his labour to the best advantage. The Corn-laws were a violation of the principle of free labour; they deprived the labourer of the power of disposing of his labour to the best advantage, and compelled him to receive as his wages a less quantity of the necessaries of life than he would otherwise obtain. Thus the Legislature had destroyed the level of free labour, by casting a weight in one scale against the labourer; and, therefore, equity demanded that the balance should be re-adjusted by throwing in the other scale a counter weight in the labourer's favour. It was also objected to the Ten-hours' Bill, that it would render the British manufacturer unable to meet foreign competition, would injure the commerce of the country, and, by throwing the operatives out of work, aggravate their distress. He contended, that England possessed such decided advantages in manufacturing industry, from her coal mines, her energy, and her skill, that a given quantity of British labour produced a much greater effect than the same quantity of foreign labour. To the extent of this advantage British labour might be limited without endangering foreign competition. If, aided by superior machinery, and the greater cheapness of fuel, the effect of nine hours' labour in England was equal to that produced by twelve hours of foreign labour, then might English adult labour be limited to ten hours without the danger of foreign competition. He admitted, that there was danger from foreign competition; but that danger was created by the Corn-laws, and by the taxes imposed upon articles of food and raw materials. Parliament was placed in a dilemma. Justice demanded that the hours of labour should be limited; and the errors of our commercial policy so increased the cost of production upon the master, that justice could not be done without letting in foreign competition and checking trade. In this difficulty, the proper course to be pursued was, not to deny justice to the people, but to abolish the Corn-laws and the taxes upon industry, by which masters and operatives were alike oppressed, and the danger of foreign competition created. For these reasons he should give his decided support to the Ten-hours' Bill introduced by his noble friend.

Mr. *Richard Potter* said, he would detain the Committee but for a few minutes. The hon. member for the Northern Division of Yorkshire said, he was not aware of any attempt to agitate. When this subject was before the House a fortnight ago, he (Mr. Potter) gave the House a pretty fair example of the kind of efforts

used in Yorkshire to produce agitation; for that exposure he had had no small portion of abuse heaped upon him; but if the authors of that abuse thought to intimidate him from the discharge of his duty, they were greatly mistaken. The Gallant Colonel, as well as his hon. friend the member for Salford, had connected this subject with the repeal of the Corn Laws; but he would venture to predict that almost every gentleman who had spoken in favour of the Bill, would be as strenuous opponents of the repeal of those laws as they were supporters of this measure. The hon. member for Stamford read some evidence to the House to show that there was no fear of foreign competition; but if the House would give him its attention for a very short period, he should be able to show, that not only was there great fear of foreign competition, but that it was in full operation. Machinery was now made in France, and other places, upon the most approved and newest plans. It appeared by official documents, that spinning and the cotton manufactory were rapidly on the increase, not only on the Continent, but in the United States of America. By the official returns made to Congress in 1832, it appeared, that the United States had consumed in the previous year, 77,557,316 lbs. weight of cotton, and had 795 mills, in which were 1,246,503 spindles at work. It further appeared, that the whole quantity spun in England in 1822, was 222,596,907 lbs.; of this 71,662,850 lbs. were exported, of which only 62,798,270 lbs. were sent to the Continent of Europe. The continental establishments spun in the same year 99,038,762 lbs., and we exported to them only 62,798,270 lbs. It could not be supposed that our smaller quantity would govern the prices of the greater in the market. In France, Switzerland, Prussia, and the Rhenish provinces, Saxony, Lombardy, Austria, and India itself, cotton-spinning was increasing. So much for foreign competition. When this Bill was first introduced he took occasion to observe, that many of its provisions were so objectionable, that if passed into a law, a blow would be struck at the cotton trade of this country, from which it might never recover. He rejoiced that the noble Lord who introduced this Bill now proposed to leave out the objectionable clauses. He also rejoiced that the discussion was carried on with that calmness which its great importance deserved.

Mr. *Sanford* supported the Amendment of the noble Lord, the Chancellor of the Exchequer, though he confessed his preference for some plan which would limit the period of labour to eleven hours. On the whole, he thought it would be better to limit infant rather than adult labour.

Mr. *Fryer* was of opinion, that something ought to be done for the relief of the children employed in factories. But legislative enactments, merely limiting the hours of labour, would furnish no remedy for the evil. It was the direct necessity which compelled these children to undergo such excessive labour. The only means, in his opinion, of doing away with that necessity, was by opening a free trade in corn, and in taking the monopoly of food from the great landed proprietors. It was totally impossible that things should continue in their present condition; and the probability was, that the change would be a new election either in that House or out of doors. It would depend entirely upon the House itself whether that revolution should be a peaceable one, or whether it should be accompanied with every species of bloodshed and violence. It might, perhaps, be imagined that the people were inclined to engage in a sanguinary revolution; but he was confident that the good sense of the English people would declare in favour of a peaceable revolution. In the first place a revolution would have the effect of wiping away the National Debt. The House might laugh if they pleased; but did they suppose that the people did not contemplate such a result? The Church Establishment and the tithe system, would also, in all probability, be wiped away. He did not mean to say, that the people were hostile to religion itself. On the contrary, he was sure they loved it. In the next place, the whole nest of sinecurists would be ferreted out and destroyed, as well as all the abominable monopolies of sugar and corn. Did the House consider how the country was circumstanced? If it should happen that in a winter of distress and poverty, a few bold men should incite their comrades to resist the military and be successful in that resistance (an event which was by no means improbable), in an hour after the event was known all England would be in arms. What would then be the condition of the Members of that House? And what would become of the

nobles of the land? They would at once be annihilated. Was it to be supposed that the people of England would think anything of sacrificing a few Lords for such an object? With respect to the Amendment before the House he would support it, although he considered it a contemptible scheme—a poor and paltry illusion. Ministers were now acting on the same plan as they had pursued on the Irish Church Bill. They were truckling in the basest manner to their opponents, because they felt that they were too feeble to resist them. By a sneaking pickpocket scheme they had robbed the Irish Church of 60,000*l.* for the payment of the Vestry-cess; and having once admitted the principle of spoliation, they might just as well have robbed the Church of 6,000,000*l.* In conclusion, the hon. Member begged leave again to observe, that he would vote for the Bill, because he was convinced, that it would either be effectual or would altogether put a stop to the manufactures of the country; and if the latter should be the case, the master manufacturers would no doubt immediately join with the people in endeavouring to put down the cursed —damnable—Corn-laws.

The *Attorney General* fully admitted the necessity of some legislation in favour of the children employed in the manufactories, and he congratulated the noble Lord on his success. With respect to the clause immediately before the House, he had merely to observe that, if his noble friend (Lord Althorp) had not proposed the Amendment, and it had been proposed by any one else, he should have given it his support. He agreed that, from the age of nine to seventeen or eighteen years, children ought to be protected, but he objected to children between nine and fourteen being obliged to labour for an equal period with children between fourteen and eighteen. He should therefore support the Amendment of his noble friend.

Mr. *Hardy* was pleased with the manner in which his hon. and learned friend who had just sat down had treated the subject. The proposition was not complex; it was simple, and required no eloquence to set it forth. It would be safest for the House to rely upon the evidence obtained by the Commission. In particular he alluded to the medical evidence. It had long been the opinion of all who were placed in the neighbourhood of the manufacturing districts, that it was necessary to adopt some measure for restricting the hour of labour. In this view, the Bill had been brought forward, and it had now been for twelve months before the public. It was perfectly absurd to say, that a child of thirteen years of age should only work eight hours; but that, in a single night after that child's birth-day, it might be made to work twelve hours, or perhaps for a longer period. No man who had the feelings of a father would propose to work children between thirteen and eighteen, in the same way as they would work adults. The hon. Member then proceeded to cite various passages to this effect from the medical evidence. The hearts and the feelings of the country were so much interested in this question that it was absolutely necessary that the House should do justice—extending to them the protection which they so much required.

Mr. *Poulett Thomson* said, there was no doubt in any quarter with respect to the necessity of legislation for the regulation of infant labour; and the only question which remained was, whether the Bill of the noble Lord, as it originally stood, or the Amendment of his noble friend the Chancellor of the Exchequer, would be the more advantageous to the parties interested. His principal objection to the original Bill was founded upon the admission of the noble Lord (Ashley) that his object was to regulate manufacturing labour. If the proposition of the noble Lord (Ashley) should be successful, he should entertain the greatest apprehension respecting the consequences. He was willing to admit the propriety of legislative interference up to a certain point, but he was of opinion that any attempt to proceed beyond that point would be productive of the greatest mischief. He maintained, that gross exaggeration had taken place with regard to the effects of the present factory system; and he concluded by declaring, that he would give his support to the Amendment proposed by his noble friend (Lord Althorp).

Mr. *Pease* said, after the best consideration he could give to the question, he felt it his duty to vote for the Amendment of the noble Lord. It relieved him greatly to find, that the principle of Sir John Hobhouse's Bill was to be applied to all our manufacturing establishments, for he felt no hesitation in saying, that if it had been done some time since, the present

to teach the poor man to read his Bible, as to feed or clothe him if hungry or naked. In the course of these discussions, insinuations have been thrown out against Sunday-schools, which they do not deserve, and if hon. Gentlemen will call upon me at Bolton, I will convince them of the fact. If the hours for work are to be reduced to eight or less, the establishment of some system of education, or a great addition to the number of constables, will be necessary. Education will certainly raise the manufacturing population in the scale of society, and prevent them going to the dram-shop or the beer-house. I entreat the House to be cautious in its proceedings. We are not now in the possession of the whole of the spinning trade. By the restrictions having been taken off, the exportation of machinery and the emigration of artizans (whether unfortunately or not I do not say), America and several of the European nations are fast overtaking us. America now spins one-third of the cotton we do; France and the rest of Europe spins another third; and if peace lasts for ten years, they will rival us in the amount now spun in this country. Hon. Gentlemen talk of the difference between twelve and ten hours as if it were only a drop in the bucket; but it is, in fact, no slight matter, for it has come to my own knowledge that orders from abroad for yarn were not to be executed if the price was a halfpenny above a certain fixed sum, because, for that additional halfpenny, the order could be executed by spinners abroad. When a difference of two farthings turns the scale, why should we commit the suicidal act of tying up our hands before entering into competition with foreign nations. I will trouble the House no further, except to urge upon it the simple extension of Sir John Hobhouse's Act, and the appointment of inspectors to see its provisions duly enforced.

Mr. *Mark Philips* had given the subject the greatest consideration, but he was bound to say that the measure of the noble Lord (Ashley) was so surrounded with perplexity and confusion that he could not conscientiously give it his support. A great stress had been laid upon the cruelty exercised in the factories toward the children. He admitted that individual cases might exist; but wherever they were to be found, he contended they existed without the knowledge of the master manufacturers. The factory system had been universally condemned, nor did he intend to defend it; but he did say, that if the evils had grown into the system to the extent complained of, it could not be expected to find a remedy in any one legislative measure. Having had some practical experience in these matters, he should for these reasons, give his support to the amendment of the noble Lord, the Chancellor of the Exchequer, in preference to the Bill of the noble member for Dorsetshire.

Mr. *Gisborne* said, he was afraid of meddling with such a complicated subject, not being so confident in his own opinion as the noble Lord, the member for Dorsetshire, and he would support the proposition of the noble Lord the Chancellor of the Exchequer as the least interfering of the two.

Mr. *Hume* suggested whether it would not be better, after such a lengthy and useful discussion, they should now report progress, and ask leave to bring in a Bill which should give a full and substantial effect to Sir John Hobhouse's. If this was not agreed to, he should vote for the adoption of the lesser evil—the Amendment of the right hon. the Chancellor of the Exchequer.

Mr. *Cobbett* said, a new discovery had been made in the House that night, which would doubtless, excite great astonishment in many parts; at all events it would in Lancashire. It had formerly been said that the Navy was the great support of England; at another time, that our maritime commerce was the great bulwark of the country; at another time that our colonies; and it had even been whispered that the Bank was; but now it was admitted, that our great stay and bulwark was to be found in three hundred thousand little girls, or rather in one-eighth of that number. Yes; for it was asserted, that if these little girls worked two hours less per day, our manufacturing superiority would depart from us. This was the only observation he should then make; at another, and more appropriate opportunity, he should go fully into the question.

Lord *Althorp* said, the real question was, whether the words "eighteen years" should be inserted in the clause. He should oppose that proposition; and the point to decide would then be, what age should be inserted. He could not but observe on the strong good sense—the manly

sense, he must say—which had characterized the speeches of the hon. Representatives of those towns which had been enfranchised by the Reform Bill, a good sense, to which, however, he was compelled to say, the hon. member for Oldham had presented a contrast. He could not deny that even his own proposition was liable to objections; but he thought the House was really bound to consider whether some protection was not necessary for these children. Further than what was necessary he did not wish to go; for he felt in all such matters they ought not to interfere beyond what the positive urgency of the case required. As to the assertion that under his proposition two relays of children would be necessary, he must say he would admit the truth of it. He thought the course he proposed was, under all circumstances, the best that could be adopted for the many interests concerned.

The Committee, on the Motion that the words "eighteen years" stand part of the clause divided— Ayes 93; Noes 238: Majority 145.

Lord *Ashley* said, having taken up the subject fairly and conscientiously, he found that the noble Lord had completely defeated him. He should, therefore surrender the Bill into the hands of the noble Lord; but having taken it up with a view to do good to the classes interested, he would only say into whatever hands it might pass, God prosper it.

Lord *Althorp* said, that there could be no doubt about the motives of the noble Lord. The course which the noble Lord had pursued was dictated by the most honourable and praiseworthy feelings. He thought the best course now was to report progress, and ask leave to sit again. His own Amendment had had no object but the advantages of the children.

The House resumed. Committee to sit again.

List of the AYES.

ENGLAND.
Aglionby, H. A.
Attwood, M.
Attwood, T.
Barnard, E. G.
Bish, T.
Blackstone, W. S.
Brotherton, J.
Bulwer, H. L.
Burrell, Sir C.
Calcraft, J.
Cayley, E. S.
Chapman, A.
Cobbett, W.
Dare, R. W. H.
Darlington, Earl of
Dillwyn, L. W.
Duffield, T.
Duncombe, Hon. W.
Estcourt, T. G. B.
Faithful, G.
Fielden, J.
Finch, G.
Forester, Hn. G. C. W.
Freemantle, Sir T.
Gaskell, D.
Gaskell, J. M.
Gore, M.
Grimston, Lord
Gulley, J.
Halford, H.
Handley, H.
Hardy, J.
Hardinge, Rt. Hon. Sir H.
Harvey, D. W.
Henniker, Lord
Hotham, Lord
Hughes, H.
Hurst, R. H.
Langton, Col. G.
Leech, J.
Lennard, T. B.
Lister, C
Lowther, Hn. C.
Nicholl, J.
Parker, Sir H.
Palmer, R.
Pigot, R.
Plumptre, J. P.
Poulter, J.
Roberts, A. W.
Ripon, C.
Robinson, G. R.
Sholefield J.
Shawe, R. N.
Stanley, E.
Strickland, G.
Stormont, Lord
Talbot, C. R. M.
Tennyson, Rt. Hn. C.
Torrens, Col.
Townshend, Lord C.
Tullamore, Lord
Turner, W.
Tyrell, Sir J.
Walter, J.
Whalley, Sir S.
Wilks, J.
Younge, G. T.

SCOTLAND.
Agnew, Sir A.
Bruce, C.
Sinclair, G.
Stuart, Capt.

IRELAND.
Baldwin, Dr.
Barry, G. S.
Blake, M.
Christmas, J. N.
Cole, Hon. A.
Finn, W. F.
Forbes, Lord
Hayes, Sir E.
Lefroy, Serjeant
Lefroy, A.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Dwyer, A. C.
Perceval Colonel
Ruthven, E.
Sheil, R. L.
Verner, Col.
Vigors, N. A.

TELLER.
Ashley, Lord

PAIRED OFF.
Buxton, T. F.
Ruthven, E. S.
Bellew, R. M.
Beauclerk, Major

HOUSE OF LORDS,
Friday, July 19, 1833.

MINUTES.] Petitions presented. By the Earl of RODEN, from the Guild of Merchants, Dublin, against the Dublin and Kingstown Ship Canal Bill.—By Lord SEAGRAVE, from several Places, for a Revision of the Sale of Beer Act.

CHURCH REFORM QUESTIONS]. The Duke of *Newcastle* wished to ask a question, and, though the most rev. Prelate to whom it applied was not in his place, some other member of the right reverend Bench might answer. It appeared, by a paragraph in the newspapers, that a letter had been addressed to the clergy of the diocess of York relative to the uniting of parishes where the population was less than 1,000, and the income was under 500*l.* a-year. It was said, in the paragraph, that two or three clergymen had been appointed to inquire into the subject. Now, he wished to know whether the work of Church

Reform had commenced already in England as well as in Ireland?—whether that report did or did not rest on any competent authority? Before he sat down he wished to observe, with respect to what had fallen from him on a former night, that he had not the least intention of saying any thing offensive to the right reverend Bench, when he took the liberty of advising them. He wished to spirit them up to do their duty boldly. He knew the difficult situation in which they were placed, and he was anxious to induce them to perform their duty fearlessly and conscientiously. The right reverend Prelate opposite seemed, however, to have taken his observations in dudgeon, as he denounced them with some asperity. He was sorry for it; but, he understood, that the right reverend Prelate had lately been collated to the situation of priest in the temple of expediency.

The Bishop of *London* said, he was in the recollection of their Lordships, and he would ask whether, on the occasion alluded to, he had shown any thing like asperity in his reply to the noble Duke? The noble Duke had called on him and his right reverend brethren to vote on this grave question, perfectly regardless of consequences; and, all that he had said in reply was, that it was not proper for him, or for any Member of either House of Parliament, to declare, by his vote, his opinion, on any occasion, without giving the subject due consideration—without hearing arguments and duly weighing consequences. As to what the noble Duke had said with respect to his (the Bishop of London's) having been recently collated to the priesthood in the temple of expediency, he surely need not remind the noble Duke that one of the most eminent moralists of our times (he meant Dr. Paley) had admitted that expediency was a proper ground to proceed on under particular circumstances. In his opinion, Dr. Paley was mistaken to a certain degree; and he should have guarded himself, by a more explicit statement, against those misconceptions and misrepresentations to which his opinion had given rise. He was not, however, unwilling to enlist himself as the follower of that great man: and, if the noble Duke would invest him in the situation to which he referred, (although he certainly did not think he was qualified to do so), he was not unwilling to receive the investiture even at his hands. The noble Duke appeared to have risen for the express purpose of asking this question—namely, whether the Reform of the English Church had begun already? He would answer, that it had been going on for many years, but that it had been accelerated by recent events. With respect to the paragraph in the newspapers, the facts were simply these:—a few months ago a noble friend of his, and one who was strongly attached to the interests of the Established Church, moved for a return of all the livings in the dioceses of England and Wales, for the purpose of ascertaining what number of them might be united, not for the benefit of the incumbents, but for the advantage of the parishioners. Subsequently, the most reverend Prelate to whom the noble Duke had alluded issued a communication to the different deaneries in his diocess, calling on the clergy to state what parishes might be advantageously united. The communication had reference to parishes where, with respect to population, the number was under 2,000 souls, and, with reference to value, under 500*l.* a-year. Now, so far from this being a measure intended in hostility to the interests of the Established Church, it proceeded from those who were the best friends of that Church; and so far from operating mischievously with respect to those interests, he believed that the most advantageous results might be expected from it.

The Earl of *Winchilsea* said, he revered the character of the right reverend Bench, and feeling deeply, as he did for that character, he rose to put a question, and, he trusted, that it would be answered in the same spirit in which it was put. He wished for a contradiction, if one could be given upon authority, to a most injurious rumour which had gone abroad, to the effect that a letter on the subject of a measure then before that House had been sent by the King to the Bishops, or at least to one of their body. He begged to ask them, whether directly or indirectly, any communication had been made to the right reverend Bench on an important measure before this House. It had been so stated, and had not been denied upon authority. Now, this was a point so deeply affecting the independence of that branch of the Legislature, that he thought he had a right to a fair and open answer. If such a letter had been sent

from the Crown to the Bishops, he would say, that whoever advised it, be he whom he might, was guilty of a gross dereliction of constitutional duty, which no language he could use would be sufficiently strong to condemn.

The Bishop of *London* said, in the first place, I do not consider myself, in the absence of the most reverend Prelate, to whom I presume the question of the noble Earl was more particularly addressed, competent to give an answer to that question; but, if I were competent to answer it, I should decline doing so, because I do not think the noble Earl has a right to ask it. I do not mean to say, that the noble Earl, or any other noble Lord, has not a right to put what question he pleases to the Bishops, but it is not in the present case a sort of right which implies a duty on our parts to answer it. My Lords, it might be exceedingly inconvenient to answer the question. If his Majesty, as head of the Church, is pleased at any time to communicate his sentiments to the Bishops (and I know no person who has greater right to do so), it would be inconvenient for us to be called upon in our places to repeat to the House the communication thus made. But this I will say, that I do not believe his Majesty has made any communication of such a nature as in the slightest degree to infringe upon the privileges of this House, or to warrant the burst of indignation displayed by the noble Earl. I entertain the highest respect for the sincerity, manliness, and devoted respect to the Church of that noble Earl; but I repeat, that nothing has occurred to call from him such very warm expressions, or to justify me in answering his question.

The Duke of *Wellington* agreed with the right reverend Prelate, that his Majesty was at full liberty to give any advice to the Archbishop of Canterbury, respecting the clergy of the country, as he thought fit; but whether any use had been made of that advice by the Archbishop was another question. He, however, earnestly entreated their Lordships not to give credit to reports of the description which had been referred to, as it only led to jealousies which did much more harm than good.

The Earl of *Winchilsea* said, the warmth which he had manifested proceeded from a very honest and good feeling. That warmth of feeling impelled him perhaps to speak in a tone that sometimes did not become him, but still he must be allowed to say, that it arose entirely from a just and conscientious feeling and conviction. In asking the question which he had proposed, his wish was to elicit a contradiction of the report already stated by him, which had gone about the country, and which, he firmly believed, had no foundation in fact. The King could, unquestionably, give advice to the Church, as the temporal head of the Church, but he was quite convinced, that he never could be induced to take any step that was calculated to interfere with the impartial judgment of that portion of the Church who had seats in their Lordships' House.

Here the conversation ended.

CHURCH TEMPORALITIES (IRELAND) —ADJOURNED DEBATE.] The Order of the Day for resuming the Debate on the Church Temporalities Ireland (Bill) was read.

The Earl of *Eldon* felt it a duty he owed to himself, to his most gracious King, to the religion and people of this country, as well as to that House, to make some observations on the consequences likely to follow the passing of the Bill then on the Table. The time, in the course of nature, would shortly arrive when he should cease to live, and under that firm conviction, he declared, upon his oath and honour, that he felt himself imperatively called on, as briefly as he could, to express his sentiments on this most important question, and to occupy their Lordships' attention for some short space, while he stated the grounds of his hostility to this measure. He trusted their Lordships would receive his sincere acknowledgments for the uniform respect and attention which they had paid to him during the very long time that he had sat on the Woolsack. He would take the liberty to say, whatever observations might be made on what fell from him, that if ever there was a moment when the House of Lords was called upon to do its duty as the House of Lords, the present was that critical moment. If it did not now perform that duty, he was firmly convinced, that they would rue the consequences hereafter. He well knew what had been going on in this country for the last forty years; and if the same system were pursued for some time longer, he believed that there would be no House of

Lords. Let noble Lords look to what had been doing for the last twelve months. Was it not evident, from those proceedings, that there was a determined conspiracy on foot to put an end to that House? Such was the fact; and nothing could preserve the House of Lords but a determination, at all hazards, to do their duty firmly. He had been raised to his present rank from a very humble station; he therefore was not insensible to the interests, the real interests of the people. But, undoubtedly, he was opposed to the practices which had recently prevailed amongst them. He clearly saw all the consequences which were likely to follow from what was now going forward in the country; and their great duty was to restore to the House that character which it enjoyed three or four years ago, when their Lordships were considered the saviours of their country. If they did not, a very short time would elapse before it would happen that no individual would have an opportunity of addressing a House of Lords, in that room. It was a matter of little importance to him, for his life drew near its close; but he was determined to support the rights of that House, and to submit to all consequences, rather than abandon one of them. The high in rank, the high in mind, the high in opulence, ought all to unite in securing the independent powers of that House. Having said thus much, he should now look a little to this measure. That Bill—he submitted it more particularly to the reverend Bench—that Bill, if allowed to pass in its present shape, would prevent any one, twenty years younger than himself, from ever addressing that Bench long before he had arrived at his (the Earl of Eldon's) time of life. Before proceeding to the details of the Bill, he would ask one simple question—it was, whether his Majesty could, consistently with his Coronation Oath, give his consent and sanction to that Bill? He could only express his astonishment that it for one moment had been disputed that such would be the effect of the allowing this Bill to pass. In arguing this question, much had been said about the Irish Church; but that was a fallacy. After the legislative Union between England and Ireland, there was no separate English or Irish Church. It was then solemnly declared by Parliament, that the two establishments were no longer separated. After that Bill had passed, it was declared that there was one united Church of England and Ireland. They had been debating, however, for several nights together with reference to the Irish Church, when, in fact, there was no such Church. From the time that the Act of Union passed, the two churches were declared to be one united Church, and for ever. As that was the case, he could not for the soul of him, imagine how it happened that the interests of the Irish Church, and the interests of the English Church were treated as separate objects in the Bill then before them. He wished that point to be explained. There was no man for whom he entertained a higher respect, or had a greater esteem than he did for the noble Duke (the Duke of Wellington) who sat near him; but he was sure that that noble Duke would feel no respect for him if he did not now state the same objections, with respect to the Coronation Oath, which he had stated when the Catholic Relief Bill of 1829 was under consideration. It gave him great pain, at that time, to state his objections, because he was forced into a conscientious opposition to one to whom the country owed very much. In what he was about to say on this point, he meant not to offer a syllable that could be considered disrespectful to the noble Duke. Towards him he should always feel unabated gratitude for the eminent services which he had rendered to the empire. He was astonished to hear what had fallen from the noble and learned Lord (Lord Plunkett) last night on the subject of the Coronation Oath. He had stated his opinion on that point in 1829, and he would now say, adhering to the opinion then given, with all humility for the sentiments of others, that he could not reconcile the provisions of the Coronation Oath with giving the King's assent to the present measure more than to the former. He stated this broadly, and he felt it to be his duty to his country and to their Lordships to state those sentiments, however they might be received. The Act of Union between England and Ireland was not the first act of Union which the Legislature had been called on to discuss. Another Act of Union had been considered with reference to another portion of the empire, he meant Scotland, long before the Legislative Union between England and Ireland was thought of. When the Act of Union was entered into with Ireland, it was a com-

pact between the Protestant Parliament of Ireland, and the Protestant Parliament of England, for the express purpose of maintaining the Protestant religion. The Irish did not, however, proceed with the caution which characterized their neighbours—their Scotch neighbours. He saw some noble Lords present who were connected with that part of the country, and no man could pay more respect to them than he did; but he must say, that the Scotch were a much more cautious people than the Irish. When a Union was to be entered into between England and Scotland, what did the Scotch say? They said, "We have a Presbyterian Church, and you have got an Established Church of England." Now, said the Scotch—(he observed a noble Lord of that country smile, as if he knew how his countrymen had over-reached this country)—now, said the Scotch "we are about to enter into an Union with England; the Parliament will be holden in London, where we shall have a certain number of Representatives in the House of Commons, and as large a proportion of our Peers as the King will choose to place in the House of Lords; but what security are we to have for the continuance of the Presbyterian religion in Scotland, if we are simply to trust to an Act of the English Parliament? We will, therefore, first have an Act passed in the Scottish Parliament, of which every word will be such as will best tend to ensure the keeping of faith between the two countries; and to ensure our confidence, before we enter into an Act of Union; and by this Act of the Parliament of Scotland, we shall prevent the English Parliament from ever touching the Presbyterian religion as practised in Scotland." That solemn Act was accordingly passed, and secured the inviolability of that religion. But of what consequence would such a contract be? If it had not an effect on the consciences of the English Parliament, and of the King as the head of the Parliament, on what would stand such an Act? If either the obligations which the Parliament or King entered into were neglected or dispensed with, it would go for nothing at all; and then, after these two Acts had passed, and been consummated, the very next day a Bill might be brought into Parliament to declare that there should be no Protestant religion in Scotland; or if the Scotch got the start of us, that there should be no Episcopacy in England. They had nothing to rely on but the solemn oath of the King on his coronation, whether Scotland should have the Episcopalian religion, or England the Presbyterian religion. With respect to the Union of England and Ireland, the King, when he gave his consent to that Act, was called on by the most solemn rules and ceremonies, not merely to say, "Le Roi le Veut," but he was also called on to say, in the most solemn manner, "So help me God! I will maintain this Act." And so help him God, he would not consent to any Act of Parliament that would disturb or affect the interests of that Establishment, to which he vowed his constant and eternal attachment. He had stated much of that on the debate on the Catholic Bill in 1829; but, as a Peer of the realm, he was there that day; and he thought it his solemn duty to state his individual opinions upon that subject. With all that deference and respect which he owed to the noble Earl, he must be allowed to say, whatever consequences it might expose him to, for he was driven to it by what had passed in the House, that if the Great Seals had been in his hands at the present time, which would have bound him to tender his humble advice on this subject to his Majesty, and if the King had declined accepting that advice which, in his conscience he might have given—So help him that God, before whose tribunal he had soon to appear, he would, with all dutiful respect, have said, "Sire: It is my duty to assume that you understand that which I think your duty better than I do; the advice I have given is from my soul and conscience what I ought to give you; I am bound to defer to your judgment, but I cannot entangle myself with the consequences which, in my after life, must attach to other advice, and I cannot go out of this room without resigning into your hands the Seals of Office, which compel me to tender to you my advice. I have given my Sovereign my best advice, according to my humble judgment, and as it is not approved of, it is my duty to resign." As to the Bill itself, it did appear to him to be one of the most extraordinary ever introduced into Parliament. Could their Lordships suppose, knowing as they must what was going on in this country, that this measure was the limit to which they would be obliged to go, if they acceded to it? As a Peer of that House, he was tremblingly alive to its existence and sta-

bility; and if any Peer would say, that his (Lord Eldon's) fears were unfounded, he knew more of what was going on in the country than he did. Four years ago, the most illustrious assembly in the world was the House of Lords. It was the palladium of the rights and liberties of the people, and if its honours and distinctions did not continue to exist, the Monarchy could not long be upheld. If there were in this country people who expected to deter him from the execution of those duties which he thought he owed to the King, which he thought he owed the country, and which he owed even to that class of men, the people of the country, one of whom he once had been, and one of whom he hoped he still was, they would be mistaken. They might threaten him, they might endeavour to affright him from the execution of his duty; but let the consequences be what they might, they could not accomplish that point—they should never prevent him from doing that which, in his conscience, he believed to be his duty. He had lived, and when he died, he would die the dutiful subject of the King. He had but little of existence now left, but during the little that remained, he should consider it his duty to act on the principles on which he had hitherto acted. The principle in the Bill before their Lordships was founded upon a direct plan of spoliation of the Protestant establishment of the country; for it said, that the Church-rate, which was hitherto a tax upon the land, should hereafter be paid by the Protestant clergy. He was a sincere friend of the Church, and he had nearly been, at one time of his life, a Minister of that Church himself; he had spent a long life in looking into this subject; and he would venture to say now, that if there were men in the world who ought to be parts of the Church Establishment, it was its Archbishops and Bishops; and if any country had reason to be proud of a Church Establishment, it was England. The Archbishops, Bishops, and clergy might undergo much persecution; but he hoped that they would allow him —if they would allow a layman to go along with them—to take a full share in all the evils which might befal the Church. The present Bill destroyed the Church-rates as at present collected in Ireland, and every man who read the newspapers must perceive, that the moment was not far distant when no more Church-rates could be collected in England. There was a Parish-church in this town itself (Christ Church), which was already shut up on account of a refusal on the part of the parishioners to pay their Church-rates. The principles of the Constitution called on every man to come forward in support of the Church. He conceived that it should be taken as an axiom, that every man ought to be a member of some church or other; for if the obligations of religion were loosened, then every man might be told to think as he pleased on religion, and what, he would ask, could be expected to result from such a licence? He admitted that there ought to be a free toleration in religion, because religion was a question between a man's conscience and his God; but that toleration ought not to be allowed to disturb the established religion of the country, or to bring it into such contempt as to prove its destruction. If God gave him sufficient length of life, he would enter his protest against the Bill, being determined that his countrymen should know that he was no party to such a proceeding, and was determined not to be self-convicted of having neglected his duty.

The Bishop of *London* rose to address their Lordships under circumstances of considerable embarrassment; but he had not brought his mind to the vote which he was about to give without serious and anxious consideration. He was embarrassed by the circumstance that no doubt remained on his mind as to the course he ought to pursue, and he was embarrassed by feelings of restraint with respect to the conduct which, under all the circumstances of the case, his judgment and his reason had imposed upon him; nor was that embarrassment diminished when he considered that the observations which he should have to submit to their Lordships on the present occasion would be such as would not be satisfactory to either party in that House—either to the promoters or opponents of the measure. Regard to truth, however, and to the duties of his station, imposed on him the necessity of declaring his sentiments freely, without regard to the partialities of some, or the prejudices, if any existed, of others. Whilst there were some of the provisions of the Bill to which he had no objection, there were others to which he could not consent; but he thought, that circumstances were such as to render it his duty to give

his consent to the second reading. That the actual circumstances, both of Ireland, and of the branch of the Church in that country, imperiously called for legislative interference, few, he believed, would have the temerity to deny; but if he were asked whether the measure before the House were the best adapted to the exigencies of the case, and whether, it was, in all respects, the wisest and safest measure which could be proposed, he might, perhaps, hesitate before he gave an answer in the affirmative. He would frankly acknowledge, that both in the manner of its introduction to the Legislature, and in the bearing of some of its provisions, the present measure was open to very serious objections. With respect to the manner of its origin, he could not help regretting that the great body of the Irish clergy had not been previously consulted, and their advice taken, with regard to the adoption of such remedies as were calculated to meet the evils which afflicted the Church in Ireland. They would have been, he was convinced, the foremost to admit those evils, and among the readiest to remove them—a task which they would be well qualified to effect by their intimate acquaintance with the subject. Those pious individuals, he was sure, would not be deterred by the consideration of any personal sacrifice; for there existed not in the world, at present, a more disinterested or more spiritual body of men than the Irish Protestant clergy. No language, indeed, was too strong in which to paint the purity of their faith and their singlemindedness in the discharge of their important duties, considering the difficult circumstances in which they were placed. The task of coming to a just opinion would, certainly, not be an easy one; but he thought they might have discovered a measure for the removal of complaints connected with the Irish Church. Such a measure might be less objectionable in its details than the one under consideration; at the same time he could not blind himself to the inconveniences of such a course of proceeding. He was sensible of the difficulty of collecting the opinions of the whole body of the Irish clergy, and he would not advocate the revival of the dormant powers of the convocation. Much inconvenience might have resulted from public discussion. Exaggeration might have existed, and animosities might have been strengthened; but if some such course could have been devised, and a measure founded upon the collected opinions of those who might well be considered the representatives of the religious portion of the community, the great inconveniences which were now experienced might have been avoided; but this opportunity having been abandoned when they were on the threshold of the measure, the time for resorting to it had passed by, and he, like others, was obliged to take the case as it stood. He would then proceed to speak to the merits of the Bill, and would first of all confess, that, while he most cordially approved of some of its details, he should have felt it to be his duty to oppose the measure altogether, had not some of its original features been subtracted from the Bill after its introduction into the other House; and even yet he trusted, that some parts of it might be modified in Committee. It was manifest, therefore, that if, under these circumstances, he did consent, as he really did, to the Bill before their Lordships, it still did not meet his entire satisfaction. It was impossible for him to shut his eyes to the results which were likely to ensue from a refusal to read it a second time; he could not contemplate with tranquillity of mind the consequences which would in all probability flow from its absolute rejection—consequences which, he would say, would not only affect the Established Church in Ireland, but the Church in England also, and consequences which would have an ill effect on the civil as well as the religious institutions of both countries. He would point out very briefly some of the dangers which were likely to menace the Established Church in the event of the rejection of the Bill; and, in alluding to those dangers, he might go further than some might deem prudent. No person, even moderately conversant with the present state of Ireland, could fail to have observed the consequences which, for the last two years, had followed from the legislative measure passed at that period. He himself thought, that he was not, however, going too far when he said, that since the passing of that Act, the payment of tithes by the occupiers of land to the Protestant clergy was absolutely extinct, and never did he contemplate its revival. It was hardly necessary to examine minutely into the causes of this; for he was not called upon to inquire into the policy of the adoption of that measure, even if it were necessary

for the sake of his own argument. He would simply state the case as it presented itself, and deal with it according to the best of his judgment. What was the fact? Even the Government, with all its means and appliances, had found it impossible to enforce the payment of tithes, except at a cost which exceeded the value of the collection. Although it was perfectly true, that in some districts a partial resumption of tithe payment had taken place, yet the Government had found itself compelled effectually to put a stop to the prevalent system by the proposal of a resolution engaging to furnish the means of paying the arrears of Irish tithes from 1831 to 1833. This was both a consistent as well as a just and humane proceeding, and he was thankful for it; but one of its consequences was, to put an immediate stop to the before partial payment of tithes. He regretted most sincerely, that the Legislature had proceeded no further in the business than the passing of the Resolution, and had agreed to no Bill for the carrying that Resolution into effect; and did their Lordships believe that such a Bill ever would be passed, if the measure before them were rejected. He was afraid it would not, though his Majesty's Ministers should persevere in proposing it as they were bound in equity to do. This brought him to the consideration of a subject deeply affecting the present measure. What were the present state and future prospects of the Irish Protestant clergy? He would not merely instance their extreme distress,——an extremity which almost threatened their existence—nor allude to the straits to which they were driven when they contemplated the very great probability,—nay, the certainty—of obtaining no tithe payments, except under circumstances far more unfavourable than the Bill now before the House offered them; the dangers supposed to be attendant on which, to the Church of England, were, he frankly acknowledged, greatly overrated. But the dangers which, at the present moment, surrounded the Church of Ireland, it would not be so easy to overrate. That establishment was in a much more perilous and precarious situation, and he was inclined to believe, that if the present measure were to be rejected, the Church of Ireland would never be rescued from its dangers and difficulties, until some large measure of concession and greater sacrifices to the liberty and safety of both the branches of the Church Establishment were made. When he looked to these considerations, he felt the less inclined to agree in the doctrines of those who exclaimed—"If the Bill be vicious in principle, reject it, at all hazards: do your duty fearlessly, and disregard the consequences." What! disregard all consequences? Why, the consequences stared every one in the face, and threatened immediate ruin to the Church; and was it not his duty, as well as that of every Member of the House, to enter into a careful examination of the measure, to weigh well its provisions, and to calculate its consequences? But whether the consequences he had pointed out were the probable ones or no, he was still determined to adhere to the strict line of his duty. His duty abstractedly was to maintain the Protestant Church in Ireland; and when the question arose as to what was the best measure to adopt for this object, to give the question the most attentive consideration; and if he gave his consent to a measure which though it imposed a considerable tax upon the clergy, yet contributed to arrest the immediate destruction of the Church Establishment in Ireland, was he not, he asked, in the strictest sense of the term, discharging his duty? His view might certainly be erroneous; it might be more incumbent on him to vote for the rejection of the measure; but perceiving as he did those certain dangers to the Church Establishment, and acting on that perception in adopting the view he took of the remedy, he contended, in voting for the Bill, that he was performing his duty to the Church, his country, and his God, though it was possible that, after all, he might be mistaken. If, indeed, the Bill impaired the purity of the Irish Church—if it sullied her glory or her reputation as a faithful instructress of the people—if it infringed a single article of her faith, then, indeed, he should be unwarranted in giving it his support; but in no single instance did it do this. The only point in which it trenched upon the frontiers of this ground was with regard to the ecclesiastical jurisdiction of the Bishops; but it might, on the whole, be fairly characterized as affecting, in a considerable degree, the temporalities of the Church, and leaving its spiritual division untouched. But, even if this latter ground had been attacked, it would still have been a fair question, whether, at the

expense of some alteration even in this, they would not save the whole Church from destruction. He could readily enter into the feelings of those who thought it was opening the door to destructiveness; he did not think it incumbent on him to argue that no such danger was to be apprehended. The door had, indeed, been already opened, in spite of them, and the duty of their Lordships all was to prevent its being opened further than could be prevented. He would pursue this topic no further: it was enough, for him to state, that he acted from a conviction of the danger of rejecting the present measure. In this general view he had considered the circumstances in which they were placed, as far as they had reference to the welfare of the Established Church of Ireland; and here he might have been content to leave the question, reserving himself till the Bill went into Committee for any further remarks. But as he wished his sentiments on such an important question not to be mistaken, and as there was a possibility that the Bill might not reach a Committee, he would venture to offer a few, and they should be very few, observations on some of the provisions of the measure. The necessity of the abolition of the payment of Church-cess in Ireland was, he believed, almost universally admitted. It was certainly admitted by the Irish clergy themselves, who had avowed it to be the fruitful source of discontent in that country. The same opinion was expressed by the Committee of their Lordships which sat to inquire into the subject of tithes; and it was suggested that this tax should be abolished and the funds provided by some other means. But the question was, in what way to substitute a fund? He fully agreed in the remark thrown out by a noble Lord last night, with a liberality which did him honour, that the best course would have been for the landlords to take this burthen on themselves, and thus effect a commutation of the Vestry-cess by a small tax on the land; that would be a most equitable arrangement. The burthen should rather fall on the landlord; but could it be expected, that all the Irish landlords would imitate the liberality of the noble Lord or of a few who were Members of that House? If the landlords took upon themselves to commute for tithes, ought they not also to act in the same way with the Vestry-cess? The question was, whether they would; for his own part, he thought they ought; but could they expect the Irish landlords to do it in the teeth of the recommendation of the Committee of last year, that it should be supplied by a tax upon benefices? He regretted, that the Bill of the right hon. Secretary for the Colonies, on the subject of Irish tithes, had been defeated, for then perhaps the necessity for introducing the present measure might have been avoided. He bore testimony to the exalted character of that right hon. Gentleman; he had been acquainted with him for many years; and was convinced that no man was less likely to be spoiled by accession to office. Belonging to the highest station in society, he was above all considerations which were opposed to a sincere attachment to the doctrines of that religion which he had illustrated and enforced by his life. The question to be considered was, what remedial measures would least cripple the resources of the Church. It deserved to be considered whether it was not worth while to appropriate some portion of the means of the Church to purposes different from what at present prevailed, but yet not foreign from the purposes of the establishment. And if a measure were so constructed as, like the present, to effect the augmentation of poor livings, the building and repairing of churches, and the encouragement of residence, he would say, that these advantages ought to counterbalance the trifling disadvantages to which he had before alluded. He would wish to know whether these objects could be put in competition with the equalization of an unequal assessment, the reduction of some bishoprics, and the imposition of a small tax on the clergy. Considerations such as these had induced as he conceived the most reverend Prelate, who presided over the affairs of the Church of Ireland, with a dignity, zeal, and attention, which could not be too highly commended, to agree to the reduction of the number of Bishops, to the proposition for making better provision for the clergy generally, and for diminishing the revenues of the see of Armagh. He (the Bishop of London) was free to confess, that he should be ready to act as the most reverend Prelate had done. The most reverend Prelate however, had not originally sanctioned the diminution of ten Bishops, for he thought that six would be enough. But for his own part when a practical altera-

tion of this description was deemed necessary, he was not prepared to say whether the number ought to be six or ten, but he thought that six might be enough, and he should like to see that number inserted in the Committee. A proposition had been made in another place, and supported by a considerable number of persons, instead of reducing the Bishoprics in number, to equalise the incomes attached to them, and hand over the surplus to the fund applicable to the purposes of the Bill before the House. That principle, was, he thought, a most dangerous one, and he was not sorry that it had been rejected. For several years it had been evident to most persons, that the time would come when the number of Irish Bishops must be reduced; and were it not that it might afford a triumph to an undivided and rival hierarchy, he should see no strong objections to it. But even that evil would be counterbalanced by the effects of the Bill, because the funds accruing from the reduction of the Bishops were destined to augment the number of parochial clergy, and secure the residence of a great number of true Protestant missionaries in Ireland. That effect, he thought, would more than counterbalance the inconveniences of the apparent triumph to which he had alluded. The hardship of each case would depend upon the amount of labour already on the shoulders of the particular clergyman. For his own part, he would say, that if the Legislature should think fit to impose upon him the spiritual charge of another county, or even a few of the hundreds of a county, in addition to the care he already had, he might perhaps feel, under certain circumstances, it was somewhat hard; yet he could not think of acting against such a decision, but, on the contrary, he should endeavour to do that which he conceived to be a conscientious discharge of the new duties imposed upon him. Indeed, he could say, that he desired, and so did many of his brethren, to have additional duties cast upon them. One of the most important measures of Church Reform which the people were anxiously expecting, and which the Bishops themselves anticipated, was the abolition of peculiar jurisdictions; and the effect of that Bill would be to impose upon some of the Bishops additional duties, and almost, by including the exempt jurisdictions, place under their inspection a new diocess. With regard to his own diocess, few, he believed, would doubt that he had already nearly as much to do as any man could accomplish with satisfaction to himself or benefit to the public. If, however, the Bill which the noble and learned Lord on the Woolsack had introduced, or was about to introduce, with reference to this subject, should be passed, there was no man who would hail it more than he should, though the result of it would be an addition to the 630 parishes at present under his care, forty-five additional parishes, comprising nearly 300,000 souls. He hoped, that he should not be deemed arrogant by their Lordships if he expressed no doubt that he should be able to discharge those additional duties without incurring in any degree the censure of the public. Another most extensive diocess, that of Salisbury, which included the counties of Berks, and Wilts, would receive a still greater additional burthen by the operation of the Bill of the noble and learned Lord, to the extent even of the care of eighty additional parishes—a number double the amount of the parishes comprised in some of the dioceses in Ireland, which were sought to be consolidated by the Bill now under their Lordships' consideration. To this argument he (the Bishop of London) attributed no great weight, except that it in some measure answered the result of part of the argument advanced last night by the right reverend Prelate behind him (the Bishop of Exeter); to which, however, he did not attach any weight at all. The great advantage of the residence of the Bishops had been urged as one of the strongest objections to diminishing the number of them; it had been said, that their presence benefited the district in which they might reside, but he could not but think much greater benefits and advantages would accrue from the residence, in each parish, of the parochial clergy, and if that proposition was well founded, the balance was again in favour of the proposed arrangement. With respect to the diminution of the revenues of the archdiocess of Armagh, he must say, he felt it a point of considerable difficulty. It involved a great principle with respect to Church property, which he would not now discuss; but this much he must say, that if it were not the right of the Legislature to interfere with that property, what would become of the Church? Was it to be maintained that, in the cases of

two dioceses, the one small with a large income, and the other large with a small revenue, they were not to be equalised, or that a measure for such an object should be rejected merely because of the terms of the Coronation Oath? Real kindness to the Church would not dictate the placing her in such a disadvantageous light, and her property on such an insecure foundation. To admit that the Legislature had a qualified right to regulate the property of the Church so as best to promote its welfare, would place that property on a secure foundation, and enable the clergy easily and justly to defend it. He did not object, therefore, to the principle of the diminution; the precise extent to which it ought to be carried might be discussed in the Committee. He, however, could not even now avoid alluding to what had transpired on this subject in another place. After the adoption of a proposition for a certain reduction in the revenues, a Motion had been made by an hon. Gentleman, not professing the Protestant faith, for a still further reduction, which Motion had been sanctioned by the noble Lord who had then the charge of the Bill; the effect of this must necessarily have tended to excite doubts amongst the friends of the Church as to the principles upon which the measure had been based. Passing from this point he now came to the provisions for the taxation of the clergy of Ireland. It was said by some, that it was unfair to tax the clergy, unless the community was also taxed, for the promotion of objects in which both had a common interest; and their Lordships' could not be unmindful that great dangers were apprehended from the introduction of this principle into the English branch of the Established Church. He, however, could not help taking this opportunity of saying, even at some risk, that he was not apprehensive of any such danger, being persuaded that, as some change was necessary, this was the safest for reducing the great disparity in benefices which at present prevailed. This principle, though so much cried out against, had been recommended long since to the Legislature for its adoption by men incapable of urging anything that was calculated to involve the ruin or the overthrow of the Church as established. The principle had been recommended by the divinity professor of the University of Oxford, and the archdeacon of a most important diocess in this country had declared the adoption of the principle to be the best and safest method of removing the existing disparities in the benefices of England. There were other points in the Bill of much importance, on which he felt it would be well to reserve his observations until the Bill went into Committee. He had now given to their Lordships the general view he took of this subject, and it would be hypocrisy in him if he were to say, that he approved of the present Bill; it would be equally disingenuous if he did not confess that, he considered it would be dangerous to the Church if the Bill was not allowed to go into Committee. Though claiming to himself no want of courage, he was not ashamed to make this avowal. He would not rest merely on the probability, but would urge the almost certainty, of extreme danger to the Church, if this Bill was rejected. It was under these circumstances that he was desirous that the Bill should be allowed to go into Committee; and if that should be assented to, he should feel it his duty either to move or to support several Amendments; but even without any Amendment, he would rather the Bill should pass, than the consequences which he contemplated from its rejection should ensue; and he hoped he should stand excused before the House and the country, as he felt satisfied he should by his conscience and his God, if he voted for the second reading of this Bill; for notwithstanding what the noble Duke opposite (the Duke of Newcastle) might say, he (the Bishop of London) looked to the expediency of the measure in the vote he should feel it his duty to give on the present occasion.

The Archbishop of *Dublin* said, that he should trouble their Lordships but a very short time, for he had been superseded in the necessity of entering into the details of the present measure by the eloquent address of the right reverend Prelate who had preceded him; but at the same time he felt called upon to offer a few observations to their Lordships, in consequence of the peculiar connexion in which he stood as regarded this measure, and as one of the few Representatives of the Irish episcopal bench in that House. He also was not only affected by this measure as an Irish Prelate, on whom increased duties would be imposed, while his revenues were diminished, but also as being one of those who if the Bill was passed into a law,

would be, *ex officio*, a Commissioner for carrying into execution some of the most important provisions of the Bill. In such a situation, all those strong feelings which had been called forth with reference to this measure, all the indignation which had been expressed against the cruelty and want of compassion towards suffering merit, and the declarations as to want of regard to the interests of the Church, were as likely, nay more so, to reach him than any Prelate on the English Bench; and he therefore hoped their Lordships would give him credit for not coming to the discussion with any rash, hasty, or incautious views. He would not hastily give his assent even to the second reading of this Bill, unless he had maturely weighed the consequences, and considered whether any better means could be devised for meeting the exigencies of the present crisis. The present question had been so fully discussed by much more able and practised debaters than himself, that it was not necessary for him to enter into the discussion of the general subject, and the more so as his general opinions had been given before a Committee of their Lordships a year and a-half ago, and were in evidence on the Table of the House. He did not mean to say those opinions were worthy of reconsideration, but he could assure their Lordships, after the additional experience he had since had in Ireland, they remained unchanged, although he would admit, that at the period at which he had so stated his opinions many expedient measures might have been carried into effect which could not now be done. He must also add, that many of the expectations he had then formed, and which had been thought improbable by many persons, had since been completely fulfilled. With respect to the revenues of the see of Dublin, which would be diminished by the operation of the Bill now under consideration, though he felt unwilling to bring forward his own case, yet he thought it right to mention what took place on his first appointment with respect to the revenues of that see. He begged to say, that on the first communication he had received from the noble Earl at the head of his Majesty's Government he (the Archbishop of Dublin) had made a spontaneous offer to consent to the diminution of the revenues of the see during his own life, provided it should appear that the general interests of the Protestant Church and the established religion could be benefited by such an application of the funds. When he had learned the effects produced by the operation of the Vestry-cess, and before any plan had been introduced by his Majesty's Government he had also made a proposal to the Government not to let the revenues derived from that cess stand in the way of getting rid of that grievous burthen, so fruitful a source of agitation, dissatisfaction, and irritation. He had proposed specifically, without considering the amount produced by the Vestry-cess, to consent to the imposition of a tax upon the revenues of his own see during his life, in order to assist in furnishing a fund for the abolition of that impost. He had made this proposal so far as regarded his own tenure only; for, as regarded the perpetuity, it was a sacred trust in his hands, not merely for the benefit of future Archbishops of Dublin, but for the Protestants of Ireland generally; and God forbid that he should have surrendered this if he thought the spiritual interests of the country demanded its retention. He claimed no extraordinary merit for this course, for indeed, in the exercise of his discretion, he had thought it worth while to give such an assistance towards doing away with that which impeded the progress of religion in Ireland. These offers, he begged to say, had been made spontaneously on his part, without any hint from the noble Earl (Earl Grey), and he (the Archbishop of Dublin) was not bound to any vote except that which his own conscience dictated. With regard to the Vestry-cess, his opinion remained unaltered, though he acknowledged he should be glad to see it got rid of without trenching on the revenues of the Church. He should have been glad if the taxation of the clergy could have been avoided. He was unequal to the description of the invaluable services of that most excellent and exemplary body of men; but the present was a case in which expediency must be consulted, God forbid he should ever sacrifice principle to expediency, but in a question of this kind, principle and expediency must go together. If any doctrinal point was involved in this Bill, or if the Legislature was called on to renounce the true religion, principle would be sacrificed if the proposition should be acceded to; but though he was far from saying this measure was perfect, still it involved no sacrifice of principle. The measure was not the best he

could have wished, and if any better proposition emanated from the other side of the House, it should have his support. Unfortunately, however, none of those who objected to the present measure could find any better to suggest in its stead—any more practical way of meeting the difficulties in which they acknowledged the country to be at present placed. It appeared to him that instead of indulging in reproaches and recriminations as to what was past—instead of stating that this person or that person was to blame for the situation in which they now were, the practical question for them to resolve was, what was best to be done, what course should be steered, in order to avoid the danger of shipwreck, and to bring the vessel into the desired haven of security. He cared not on which side of the House he sat, he would support what appeared to him the best measure for attaining that desired end—the best measure as regarded the existing state of the public feeling and the public opinion on the subject. It might have been better, certainly, if some such measure as this had been brought forward a good many years ago. He did not consider that by supporting it he was pledged to the abstract goodness or the abstract advisableness of the present Bill. The question was, whether it was not, under existing circumstances, the best measure that could be brought forward. He would trouble their Lordships with a few words as to another part of the Bill, with which he was in some degree connected—he alluded to his appointment *ex officio* as one of the Commissioners under this Bill. Noble Lords had objected to the Commission because it would consist partly of laymen, and because the members of it would be removable at the pleasure of the Crown. Now, he must say, that it was rather inconsistent on the part of those who contended so earnestly on behalf of the Bishops of Ireland, and who argued so strenuously against any diminution of their number—(he was far from denying that the residence of the Bishops in Ireland, and their strict superintendence of their several dioceses, were not matters of great utility to that country)—it was rather inconsistent, he repeated, on the part of such persons, to take it for granted that a board, of which so many Bishops would be members, would abuse the powers intrusted to them. Those noble Lords to whom he was now alluding seemed to take it for granted that the Commissioners would watch for every opportunity to misapply their powers; and that whenever an occasion arose which enabled them to suspend the appointment to a benefice they would do so, and would continue such suspension, though a church might in the meanwhile be built in the parish, and the performance of divine service restored there. It was hardly fair towards the Bishops who would be members of that Commission, and it was certainly grossly inconsistent on the part of those from whom the assumption came, to assume that such would be the case. If it should go forth to the world, that such was the real character of the Irish Bishops, it would be at once said, that the fewer of them there was the better. It was most absurd to take for granted that whatever might be done by this Commission would be done by it, and that whatever abuses could be committed by it would take place. He would suggest to those noble Lords who had put forward this objection, that there were many powers intrusted to single individuals in this country which would be extremely dangerous if they should be abused, and that laymen in many instances were charged with high and extensive powers connected with the Church. It seemed to be forgotten by those noble Lords, that the head of the Church was necessarily a layman—the head not merely in name, but the head in reality, from whom emanated the appointments of all the Bishops, and who therefore might abuse his authority, by making improper appointments. It should be recollected, too, that another layman, the Lord Chancellor of England, had the appointment to a great number of livings, and had the power of suspending such appointments whenever he pleased, and as long as he pleased, without assigning any reason for doing so, and without reference to the circumstance whether or not there was a large congregation craving for the bread of life. It was most unlikely, most improbable, that the powers so placed in the hands of the Lord Chancellor would be ever abused or misapplied. Was not the improbability still greater that similar powers, when intrusted to a body of Commissioners, the majority of whom were clergymen, would be abused or improperly exercised? He trusted confidently, that there was quite as little danger of the King's Ministers wantonly and rashly advising his Majesty

to remove any of those Commissioners, though they were removable at pleasure, and without any sufficient grounds for doing so. He had no apprehension whatever that any such thing would ever take place. He would not enter further into the particular provisions of the Bill. In concluding, he would say, that though he was fully sensible that there was great danger connected with the passing of this measure, he was equally sure, that the rejection of it by their Lordships would be more than dangerous—that it would be fatal. Of this he was also certain, that the amount of the danger connected with the passing of the present measure, and of several other measures that were supposed to be in contemplation, would be greater, or would be less, according to the way in which their Lordships treated them. It was very possible, that by proclaiming aloud, that those measures were on all sides attended with dangers, they would augment the real dangers that might be connected with them. If it should go forth to the world as the opinion of their Lordships, that the tendency of those measures, and the designs of his Majesty's Ministers, was to put down the Protestant religion in Ireland, to set up the Roman Catholic in its stead, and to overthrow the Constitution of the country—if that should go forth as the opinion of their Lordships, would not the effect of it be to augment all the real dangers with which they were surrounded? He could speak from experience on the subject, knowing as he did what efforts had of late been made from one end of Ireland to the other by the agitators of that country, who sought to dissolve the Union, and he was sorry to add, also, by many well-minded and no doubt sincere, but certainly misled friends of the Church there, to spread abroad the notion that his Majesty's Ministers were determined to pull down the Protestant establishment in that country. It would only promote the objects of those agitators to reject this measure, or to proclaim, supposing it should be passed, that it was calculated to overturn the Protestant Church in Ireland. It was equally mischievous to assert, that they might just as well apply such a measure to the Church of England, where Bishops had three or four times the number of benefices under their superintendence that Bishops had in Ireland. He conceived that the present was a case with regard to which every friend of Ireland, and of the Church of Ireland, would do well to imitate the example which had been so well set to them by the noble Earl (Earl Wicklow) the other night, that they should throw aside all party feeling and party hostility, and endeavour to take that course which was in every respect the best for the country. This was an occasion on which they should abstain from all idle reproaches and recriminations—on which they should avoid all pitiful bickerings as to who had brought the ship into danger, and in which their sole object, their united endeavour, should be to bring the vessel into the haven of safety. It was unnecessary for him to remind their Lordships that there was at present a large body of persons in England, as well as in Ireland, hostile to the existing Constitution—to the Church—to that House—and, above all, to that Bench, and who were at that moment hovering, like vultures over a field of battle, waiting to prey upon the corpses of those that should be struck down in the conflict. He, therefore, confidently hoped and trusted that their Lordships would disappoint the expectations of those persons by laying aside all party feelings at the present moment, and by uniting cordially together in devising measures for securing the safety and stability of existing institutions in Church and State. Let their Lordships do so, instead of indulging in personal reproaches and splenetic attacks, things that could only afford a subject for rejoicing to the enemies of their Lordships, and the enemies of the country.

Ηκεν γηθησαν Πριαμος Πριαμοιο τε παιδες.

The Archbishop of *Canterbury* said, that he felt anxious to follow his right reverend friend on this occasion, as, if he should postpone addressing their Lordships to a later hour of the night, he was afraid, owing to the weak state of his health, he should not be able then to do so; and he felt that upon a question of such importance it was impossible for a person filling the situation which he filled to give a silent vote. It was always with considerable pain that he found himself opposed, upon any public question to his Majesty's Ministers. It was a position which he might say was hardly suitable, and which was certainly almost new for an Archbishop of Canterbury; and he must acknowledge that he was not prepared for it, and that he had it not in

contemplation when he was raised to the station which he now filled, and that, in fine, he had not been prepared for it by his previous habits of life, and by his mode of thinking. It had hitherto been the policy and practice of the Government in all regulations respecting the Church to consult the heads of the Church in the first instance before such measures were brought forward. If, then, there should happen to be any differences of opinjon, they might be settled by amicable discussion in private, and such a mode of proceeding had the advantage of preventing any hostile collision in public between the Ministers of the Crown, and the heads of the Church—an advantage which he considered to be a very great one indeed. He by no means concurred in the notion that the Bishops of the Church should implicitly submit to the dictation of the Government. But he felt, he would not say the unfitness, but the great inconvenience of the situation in which he was now placed, in being obliged to oppose that Government on which the Church must lean for support. He knew, that it was inconvenient in most cases, that owing to any cause there should occur an interruption of that confidential intercourse which ought to subsist between the Government and the heads of the Church; but more especially was it inconvenient, that any surmise, however groundless, should thence arise, that the Government was unfriendly to the Church, or that the Church, in opposing the Government, should be subjected to the suspicion of acting from any unworthy motives. Impressed, therefore, with those sentiments, he felt sensible of the painful alternative submitted for his choice —either to give his assent to a measure which he could not approve of, or to place himself in a situation so painful and so disagreeable as that which he had described —namely, in opposition to his Majesty's Ministers. Another disadvantage under which he lay on this occasion was, that in opposing a measure brought forward under the name of Reform, he incurred the danger of being supposed to be an enemy to all Reform. He ran the risk, under such circumstances, of having his conduct attributed to the worst of motives—either to those of party feeling, which he had never exhibited, or to those of private interest, though he had really none in the case; or, in fine, to a bigoted prejudice that was opposed to every species of change whatever. On those accounts, and for the reasons he had mentioned, he had stated as much as he could, to himself and to others, what reasons could be assigned for supporting this Bill, and he was sorry to say, that he could not come to the conclusion that he could give it his support. It was with great pain that he felt bound to adopt that course; but, in justice to himself, he hoped, that their Lordships would allow him to state the reasons which had induced him to do so. In looking at the Bill as it had come before their Lordships, it would be seen, that it had two objects in view, which were perfectly distinct from each other; the one was Reform, the other was conciliation. The Reform of the Church, by which he meant the internal improvement of the Church, by the building of churches and glebe-houses, the augmentation of small livings, and other useful regulations which were to be found in several parts of the Bill. Under the head of conciliation he would reckon the abolition of the Vestry-cess, and the substituting for it a tax upon the clergy. He did not know whether, under the head of Reform, he should place the proposed reduction in the number of Bishops— he rather thought, that their Lordships would agree with him in placing that part of the plan under the head of conciliation. Now, those two objects, as he had said, were quite distinct; they ought to have been brought forward in separate measures, as they could with advantage be discussed separately, and they would be separately recommended on distinct grounds. As regarded the Vestry-cess, he was ready to conceive, that it might be productive of grievance. He was most certainly ready to give it up if the people would not bear it. In fact, it was better under such circumstances to give it up, as it could not be continued. They were told, that this measure was a boon to the people of Ireland for the Coercion Bill. He did not regard it as such. The Coercion Bill had like magic restored peace and tranquillity in that country, and it was itself, therefore, a real boon to the country. He was of opinion, that the Vestry-cess should be thrown on the landlords, so as to relieve the occupiers of land in Ireland from it. There was no reason why the charge of Church-cess should be imposed on the clergy rather than upon any other

class of the community, except, indeed, that it might be said to be for Church purposes, but he thought a more proper description of the charge would be, that it was for public purposes connected with the Church, and such being the case, the public should be called on to defray it. He was aware, that in other countries the clergy were charged with the reparation of the Church, but here the law had made a different arrangement, which he saw no reason to disturb. However, as the point had been justly and unanswerably reasoned by the right reverend Prelate behind him (Bishop of Exeter), the present measure transferred this charge from the proprietors of the land, to whom its amount was absolutely as nothing, to the Church, which was already but inadequately provided for, when all the important objects connected with it were considered. Supposing the tax in question imposed upon the Church, what would be its effects? There was a great discrepancy between the financial statements of the noble Earl (Earl Grey) and the right reverend Prelate, but which of the two was right he (the Archbishop of Canterbury) could not undertake to decide. He was willing, however, to take the statement of the noble Earl as the more favourable. The noble Earl had estimated the charge necessary for the removal of the Vestry-cess at about 60,000*l.* a-year, and he stated the means which would eventually accrue for effecting this and several other objects as being 130,000*l.* a-year.

Earl *Grey* observed, that the sum he reckoned on was 155,000*l.*

The Archbishop of *Canterbury* said, that such being the case, the argument which he was about to use would not be quite so strong as he had supposed; for he was going to say, that to provide for the Vestry-cess would consume half the entire sum which was reckoned upon when the scheme should have come into full operation. However, taking the Vestry-cess at 60,000*l.*, and the sum eventually to be raised to meet it and other necessary purposes at 155,000*l.* he thought the case would still be sufficiently strong. The charge for Vestry-cess must be first satisfied, but consider how long it would take before the proposed tax took effect, and how slowly the money for the purchase of perpetuities would come in. Such being the case, it was inevitable, that a very heavy incumbrance of debt would be incurred, which must be paid off before the sums specified for the building of glebe-houses and the augmentation of small livings could be so applied. Independently of this, he thought the plan beset with other and very serious difficulties. It had always been found, that the only way in which local purposes could be properly effected was by local assessment. That was the reason for imposing Vestry-cess upon the occupier in preference to the landlord, the former thus acquiring a direct interest in keeping down expenses for which he was himself liable. A Board sitting in Dublin could never manage with advantage the affairs of distant churches—it could not form a proper judgment of the sums really required for repairs, &c.,—it could not maintain an effectual superintendence except through agencies, which might not be always trustworthy, but which would be invariably expensive. Under such a system of management economy could hardly be expected; and how was the tax to be made up, if it should prove deficient, except by imposing additional burthens on the clergy? The result would be, that the clergy must be greatly impoverished, and nothing would be wanting but a poor-rate in order to complete their ruin. He was equally opposed to a transfer of the charge of Vestry-cess to the clergy and to an alienation of Bishops' lands. But supposing the measure carried into effect, what were to be its results? One of its objects was stated to be conciliation—a most desirable thing, he freely admitted, more especially in Ireland, where, if Protestants and Catholics could be brought to coalesce (it was a mere truism to say that), the country would be completely happy. But he was afraid, that this attempt at conciliation would fail, seeing that the object was to be attained, not merely by concession, but by sacrifice, and that the property and feelings of one party were to be hurt by what was given to the other. To conciliation that could never tend which raised in the minds of one party feelings of exultation, and in those of the other feelings of irritation. To whom was the sacrifice made, and at whose expense?—To the oppressor and agitator, at the cost of the peaceable. This was an inversion of justice, which gave rewards to the offender, and inflicted punishment on the innocent. The Irish clergy were distinguished for piety, moderation, and virtue—their good quali-

ties had shone forth more highly in affliction. They had been reviled and insulted—disquieted in their properties—hunted from their homes—exposed to the fury of the rabble and the malice of the assassin. All this they had borne with patience, but what must be their feeling of disappointment when, looking to the Legislature for countenance and support, they met with severe punishment? He saw little reason to expect moderation from the other party which would be encouraged by partial success to pursue its objects to the utmost. Thus the Church would have gained little in its external condition; its stability would not be increased by the sacrifice, nor would it gain in security what it lost in wealth and influence. But what would be the internal condition of the Church if this measure were agreed to? All the expected improvements in its management which had been dilated on by the noble Earl would be frustrated; the funds to be raised would be consumed by the Vestry-cess for many years, and all the objects of the Bill would either be rendered so impracticable, or postponed to such a distant period, that there was little chance of the Church ever benefiting by their accomplishment. He was not less dissatisfied with the principle of the Bill than with its details. It had contained one most unjust provision, which, however, was withdrawn, the direct tendency of which was to sanction the alienation of the property of the Church, and its diversion to the uses of the State. Although that clause had been withdrawn, its principle was still embodied in the Bill; the tax on the clergy, as a transfer of payment from one body to another, being clearly at variance with the received notions of property. He thought the same of the sale of see-lands at the option and for the benefit of the tenant. In this case the proprietor was the last person whose interests were consulted. The tenant was to have a bonus of four per cent, and a further advantage in the mode in which the reserved rents were to be calculated, in reference to the fines paid in foregoing years, and not upon the actual value of the land. It was well known, that the Irish Bishops were in the habit of acting with general liberality towards their tenants, on whose simple representation as to the value of the lands held they frequently accepted fines, without sending a surveyor to ascertain the actual value, as in England. Now, if any tenants had represented the property which they held as less valuable than it really was, they would be gainers under this arrangement by the purchase of the perpetuity. He had heard of instances of renewals being granted without any consideration, and in such cases, perhaps, the tenants would expect to have the property for nothing beyond the actual reserved rent. However, such cases, if they existed, could easily be provided against, and therefore he did not press the point. With respect to the reduction of the Bishops, it had been said, that there could be no valid objection to this part of the measure, and that bishoprics had been frequently consolidated and disunited. Without contesting these positions, he must observe, that one circumstance had been left out of consideration in speaking of the junction of sees in former times, when the unions were frequently made, *ex necessitatis causâ*, in cases where the revenues were singly insufficient for the maintenance of an incumbent. Besides, he thought it unfair to argue from single cases to a reduction so sweeping as this, more especially as the Bishops must be useful in the capacity of resident gentlemen, and as the Catholic Establishment (with which, indeed, the Legislature had no right to interfere, and any interference with which he should resist) remained untouched. Was it good policy in those who wished to support the Protestant religion to remove ten Bishops at once, leaving the ground open to the Roman Catholics, who would probably not only take the sees, but the Bishops' houses? The right reverend Prelate (the Bishop of Exeter) had properly objected to the appointment to sees under this Bill being placed under the control of Parliament; but that objection might be avoided by transferring the authority in all such cases to the Crown; and, therefore, he did not lay much stress upon that argument. With respect to another point adverted to by the right reverend Prelate, he felt that a Bishop advanced in years might be reasonably unwilling to subject himself to the charge of another diocess, but he thought that in such a case some provision might be made to relieve the diocesan, and that the vacant see might be held in *commendam* with some other bishopric. If there was to be a union of two sees in the person of one Bishop, and,

that the revenues of both were to be received by such Bishop, what an outcry would be raised at the measure! It was stated last night, that the Bishop who might be thus called upon to undertake the spiritual care of two dioceses, receiving only the revenue of one, would be recompensed for his additional labour by the increased patronage. This question of patronage was, he should say, a dubious kind of reward under any circumstances. It was a power which had its drawbacks; for, if the Bishop was recompensed by the power of rewarding deserving men, he had to regret, and he could state this from his own experience, that for every one deserving man whom he was enabled to reward, there were ten whose well-founded claims he was obliged to pass over without such reward. The patronage of a Bishop, in this respect, had been described as *honestum onerosum*, and the lawyer from whom he quoted added another word, which he could not at that moment call to mind. However, he would lay no stress on that point. There was more required for the Church than the mere patronage of the Bishop. There was wanting the means of providing a suitable education for Ministers, such as the college that had been established in Durham. Something of this kind was very much wanted in Ireland. He should not object to an appropriation of portions of Church property for this purpose, but he did object to and would oppose its appropriation to other purposes, such as those of the Vestry-cess. With respect to the Board of Commissioners, he did not object to its constitution as far as many of those who were to be its members were concerned, but he did object to paid Commissioners, or to parties who might be removed at pleasure. No doubt the parties thus appointed would be highly respectable, but his great doubt was, whether they would be proper persons to manage Church business. That, however, he thought might be provided for by a clause enacting that all business relating to the affairs or discipline of the Church should be transacted only at special meetings for that purpose, and then only when three Bishops were present, of whom the Primate or the Archbishop of Dublin should be one. He should greatly object to laymen getting this power into their hands. Not to delay their Lordships any longer, he should object to this Bill — that the principle of Reform which it contained was only a subordinate consideration; that conciliation which it contemplated would fail; he objected to it because it went to apply the property of the Church to purposes for which it was not intended; he objected to it because it would give a triumph to the Catholics over the Protestants, which would not tend to the harmony of that country; he objected to it because it was the most sweeping measure which had ever been applied to the Church; that it dispossessed the property of the Church from its ancient owners, and gave it to others who had no right to it whatever; and what was more, that the Bill contained not one word to make this a special case, and to state, that it should not be drawn into a precedent, and that its principle should not be applied to any other Corporation in the kingdom.

The Duke of *Wellington* spoke as follows: I rise in order to state to your Lordships the reasons for the course I mean to take on this important question. I will confine myself to the statement of those reasons, and following the advice given by the right reverend Prelate, avoid everything like angry discussion. At the same time I think I have some reason to complain of the observations made by the noble Earl opposite upon what recently fell from me upon the presentation of a petition. He spoke with more than his usual asperity, and urged topics to which it is necessary I should briefly advert. I should, perhaps, have avoided this point, if the noble Earl had not, according to a practice not unusual with him, endeavoured to throw the blame upon the Government which immediately preceded that of which he is so deservedly the head. However desirous I might be to attend to the recommendation of the right reverend Prelate, it is impossible for me to listen to those charges without making some reply, and without adding a few remarks upon the clauses and provisions of the Bill. The noble Earl supposed that in what I said as to the policy of the present Ministers, I referred to the question of Parliamentary Reform. Your Lordships will do me the justice to admit, that since that Bill passed I have never made the slightest allusion to it in the House. The Bill having passed, I considered it my duty to submit to it, and to endeavour to carry it into execution by every means in my power. Moreover, I have never thrown

out a single reproach upon the subject in any discussion that has taken place in this House. On the occasion to which the noble Earl referred, I did not make the smallest reference to it. The noble Lord informed us in very strong and decided language, that he considered Parliamentary Reform only as a means to an end. Whether he has prevailed upon his Majesty so to consider it, I know not. This I must say, that under a Reformed Parliament, or under an unreformed Parliament, the people of this country are entitled to the best system of measures that can be devised to promote their prosperity. It is the duty of Parliament—the duty of all men, whether in or out of Parliament, who recommend measures for adoption, to recollect that the British Constitution is formed, not only for the protection of the life and liberty, but for the protection of the property of the subject. Give me leave to add, that property is not protected merely by attending to the representations of different interests —by listening to-day to those who are deeply interested in the commerce of one part of the world—by receiving to-morrow another body of men who are anxious to do away with the revenues of the Church; or by admitting on a third day, a third party who wish to abolish a system most beneficial to a large colonial territory. I have made these observations in answer merely to the taunts of the noble Earl, who charged me with adverting to the foreign policy of the country, and with wanting to carry into effect my own plans by means of coercion, setting up, as the noble Earl said, a new Holy Alliance to fight the cause of despotism against the liberties of Europe.

Earl *Grey*: I really said no such thing; I did not accuse the noble Duke of wishing to carry into effect his own plans. What I said was, that we were placed in a situation in which we must resolve to adopt one of two lines of policy—either to stop Reform by coercion and strong measures, or by yielding, in some degree, to the spirit of the times, to lead the public mind to such Reforms as were salutary.

The Duke of *Wellington*: You charged me with wishing to form another Holy Alliance.

Earl *Grey*: I said, that if you resolved upon coercion for such a purpose, you must unite yourself with the Holy Alliance. I did not refer to you individually.

The Duke of *Wellington*: It is very true that I have passed the greater part of my life in the foreign service of the country, and I naturally feel considerable anxiety on the subject of foreign policy; but the internal affairs of the kingdom have become so important and difficult, that it would not now be worth while to trouble your Lordships, for a quarter of an hour on any question of foreign policy. What I maintained was this:—that the course pursued by the present Government from the moment at which they came into office, had been the cause of the situation in which we now stand; our situation is the consequence of their policy, and it affords us also an earnest of the future. A noble and learned Lord said last night, that agitation in Ireland had been occasioned by delay in granting the Roman Catholic claims; but he seems to have forgotten that it existed both before and after the concession had been made. It has existed ever since the commencement of the discussion on those claims; from that period to the present, there has been nothing but continued agitation, excepting during part of the years 1829 and 1830. It recommenced in 1830, in consequence of the events at Paris and Brussels; the occurrences at Brussels particularly gave rise to the agitation and discussions regarding the Union. It was carried to such an extent, that the local Government, under the noble Duke, whom I do not now see in his place, was obliged to put in force the Proclamation Act. That was the period when agitation recommenced after the French Revolution. It was continued when the present servants of the Crown came into office, and then a noble Marquess, for whom, personally, I feel great respect, was appointed Lord-lieutenant of Ireland. He was certainly the last person who, at such a crisis, should have been selected, and the reason, which is perfectly obvious, is this:—The object and policy of the Government, after the passing of the Roman Catholic Relief Bill, should have been to do all in their power to conciliate—whom? The Protestants. Everything had been granted to the Roman Catholics that they could require; so that the policy should then have been to conciliate the Protestants. Instead of that, the present Ministers sent to Ireland a noble Lord, certainly the last man to conciliate the Protestants. Because he had scarcely taken his departure, or, at all

events, scarcely arrived, when he issued a sort of Proclamation almost urging that agitation should be continued for the purpose of obtaining an additional boon. In order that your Lordships may understand what agitation is, I will take leave to describe it. First of all, it is founded upon a conspiracy of demagogues, priests, and monks, and the means were terror and mobs, to be employed wherever terror and mobs could be used. This was to produce an effect upon Ministers, and an alarm in Parliament; and the mobs were excited by orations and seditious speeches at public meetings—by violent publications through the Press—by exaggeration —by flattery—and by all the resources in the power of persons of that description. The people were called upon to repair in large bodies to all points where it was possible to create terror. If any person opposed himself to this design, he was immediately murdered, or his house and property destroyed. The least done was a combination to deprive him of the means of obtaining subsistence; and all was intended to destroy the peace of the country. This is the system which is called agitation; and which the noble Marquess contributed to promote. When he reached Ireland, one of the first things done was the establishment of that combination against tithes, the evidence of which, taken before a Select Committee, is upon the Table. I have extracts from the Report in my pocket; but at this period of the debate I will not trouble your Lordships by reading them. It will no doubt be acknowledged that there existed a combination to prevent people from paying tithes — that the expense was defrayed out of a common fund—and that the operation was to force the parties claiming tithes to proceed to distrain. After that had been done, thousands assembled to prevent persons bidding at the sale—if they did bid, they were ruined or murdered. Such are now the proceedings in a large part of Ireland, and such they have been for a long period of time. But while these things have been going on, what has been done by the Ministers to put a stop to them? So little, that there was no disguise used about these proceedings. On the contrary, many openly abetted them; and there were persons, indeed, who had at different public meetings moved Resolutions, declaratory of their determination not to pay tithes, and that payment of tithes ought not to be enforced. His Majesty's Ministers, my Lords, have done nothing to stop this. No measure was taken, except to signify to the Lord Lieutenant that he should carry into execution the provisions of the Proclamation Act. That Act was put in force; the Attorney and Solicitor-General of Ireland prosecuted Mr. O'Connell, and the prosecution was eminently successful. But what then? Why, the noble Earl dissolved the Parliament, and, consequently, the punishment could not be carried into execution. And then what was done? Not only the noble Earl did not, when the Parliament again assembled, pass an Act to put a stop to these combinations against the payment of tithes, but he actually came down to Parliament and put into the mouth of his Majesty the sort of declaration which I am now about to read to your Lordships. The Speech was delivered in the month of June, 1831; and, speaking on the state of Ireland, his Majesty was made to say, 'Local disturb-'ances, unconnected with any political 'causes, have taken place, both in this 'part of the United Kingdom and in Ire-'land. In the county of Clare, and in 'the adjoining parts of Roscommon and 'Galway, a system of violence and out-'rage has existed to an alarming extent, 'for the suppression of which, the consti-'tutional authority of the laws has been 'vigorously and successfully exerted. By 'these means, the necessity of passing 'new laws, and of investing the Executive 'Government with increased powers, will, 'I trust, be avoided. To avert such a 'necessity, his Majesty added, will be my 'most earnest desire, but if it should un-'fortunately arise, I do not doubt your 'firm resolution to maintain the peace and 'good order of society.'* This, my Lords, was in the monthof June, 1831, at the very time when the affair at Wexford happened. If your Lordships will only refer to the Appendix to the Proceedings of the Committee of this House upon the subject of the tithes, you will see what was done with respect to this state of the country, to which the speech ought to have referred. The country was at that time in a complete state of disorganization, so that this property in tithes no longer existed. The proprietors of tithes could no longer use their property; and yet this being the state

* Hansard, (third series) iv. p. 87.

of Ireland, that was the Speech that his Majesty's Ministers put into the mouth of his Majesty, to make on this occasion. His Majesty again addressed the House, in the month of December, 1831. His Majesty then said: 'In parts of Ireland a 'systematic opposition has been made to 'the payment of tithes, attended, in some 'instances, with afflicting results; and it 'will be one of your first duties to inquire 'whether it may not be possible to effect 'improvements in the laws respecting the 'subject, which may afford the necessary 'protection to the Established Church, 'and at the same time remove the 'present causes of complaint.'* That speech was made only one year after the opposition to the payment of tithes had begun. On that occasion the Tithe Committees were appointed, and from that moment the collection of tithes ceased in Ireland altogether. In fact, my Lords, the Committees were appointed to discover, if possible, some plan to alter the system of collecting tithes, but from that time to this no tithes have been collected in Ireland beyond the value of a few thousand pounds. In the course of this Session of Parliament, your Lordships are aware, that a Bill, called the Coercion Bill, has been passed; but I beg that your Lordships will also recollect what passed in another place, and what pains were taken to give authority and weight to the assertion, that no coercion whatever was intended to the country. My Lords, that course of proceeding was most injudicious, for I have been informed, that the very apprehension of the Coercion Bill had been such, that some of the clergy had been able to collect their tithes, and in this very year that was the case, for in this year (1833) some tithes have been collected, but one fine day a gentleman discovered that a policeman, or a constable, or a soldier, or somebody or other, had given assistance in the collection of tithes, and the matter was at once mentioned, and then the Government said, that such assistance should not be given; and since then, my Lords, a notice has been published by the Solicitor to the Treasury in Ireland, which has totally put a stop to the payment of tithes. I say, my Lords, that this description of property no longer exists—nobody thinks of paying tithes, and there are now three or four years' tithes due to the clergy, but there are no means of recovering these arrears. The notice published by the Solicitor to the Treasury of Ireland is to this effect—that no proceedings will be had at the approaching Quarter Sessions against any persons withholding tithes due to his Majesty. Since then, my Lords, I say no tithes have been paid, and there is an end of this description of property. Now, I beg leave to ask your Lordships whether, when the Duke of Northumberland was in Ireland, this description of property was not quite secure, and whether the country was not in a state of tranquillity from after the time of the passing of the Roman Catholic Bill to the end of the year 1830? And that being the case, my Lords, I ask, whether it is quite fair in the noble Earl to throw on us the blame of these transactions, to make us responsible for this state of things, or whether he ought not fairly to take the blame upon himself, especially considering what the object of the Government was then, and what was its policy, and what has been the object and the policy of the noble Earl's Government? For I say, my Lords, that with the Government that preceded that of the noble Earl, it was an object to protect the Protestant Church in Ireland, and that it has not been the object of the noble Earl's Government to protect the Protestant religion, or the Protestant clergy in Ireland; and yet, my Lords, the noble Earl has admitted that it is part of his duty to do so. I think I have said enough to show your Lordships, that at this moment the parochial clergy of Ireland are the subjects of a direct attack, and require the protection of the Government; and as a proof of that, I refer your Lordships to the statement made by the right reverend Prelate upon the lower Bench a short time ago. I will not weaken that statement by repeating it, but your Lordships will recollect that he said the Protestant clergy were totally ruined. At this moment they are the objects of the charity of the Government. They say, that his Majesty's servants have given notice of their intention to introduce a Bill into Parliament to pay their salaries—I mean to pay their tithes for the last three years; but that measure has never yet been proposed. Therefore, my Lords, these gentlemen are at this moment absolutely at the mercy of his Majesty's Ministers. Then let us look to another branch of the Protestant Church of Ireland—I mean that which has hitherto

* Hansard, (third series) ix. p. 3.

depended on the income derived from what is called the Church-cess. This Church-cess was always paid with considerable difficulty. There is more facility in opposing the levying of Church-cess, than even in opposing the levying of tithes. The noble Lords who are inhabitants of that part of the country must know the truth of what I say. There is vast difficulty in collecting the Church-cess. The persons who originally imposed it were probably Protestants; but the later Vestries have appealed against it. Of that right they have constantly availed themselves; and these appeals have been almost uniformly in the course of last year, and, indeed, since the year 1830. The consequence is, that this provision for the service of the Church no longer exists any more than tithes. There was nothing to support the existence of the Church —nothing for the sustentation of the Church—nothing for keeping it up—nothing for repairing the fences of the Church-yards—nothing to pay the salaries of the Clerks and of others, who are necessary to perform the Church service. But there is another consequence to persons attached to the service of the Church in Ireland; and I shall beg leave to state to your Lordships what their situation is. The possessions of the Hierarchy in Ireland are stated to produce an annual revenue of 160,000*l.* It appears that two-thirds of that revenue is paid in fines, and those fines are paid on the renewal of the leases of lands held under the Bishops. Under the law of the last Session of Parliament, the Bishops were placed under the necessity of insisting on receiving from their tenants the tithes of those lands which the tenants occupied and held under them upon lease. As the Bishops were to pay these tithes to the Church, it was necessary that they should do this. The tenants have refused to renew their leases, and consequently they have not paid their fines, and the Bishops are thus deprived of two-thirds of the means of their subsistence. Then, my Lords, the Curates get nothing. There is nothing for the sustentation of the inferior ministers of the Church, and the Bishops have lost two-thirds of their income, having nothing now left but the bare revenue of their lands. Taking the statement I have before mentioned to be correct, the consequence now is, that the income of all the Bishops of Ireland is reduced to about 50,000*l.* a-year, which is all that the clergy of Ireland now have for the performance of their duties, for the maintenance of the Church, and for the sustentation of the men who are attached to its service. The noble Marquess, who spoke a few nights ago on this question, talked of the estates belonging to the Irish Church as of a million of acres. My Lords, that million will dwindle down into almost nothing at all when he finds that the rent which is received from the tenants of these estates amounts only to 50,000*l.* a-year for this million of acres. Having made this statement to your Lordships of the condition of the Church in Ireland, which I do not consider exaggerated, but as true; I have stated that which is my inducement not to oppose, the committal of this Bill. It appears to me absolutely impossible that the Church of England established in Ireland can continue to exist for a day if some measure of this description is not passed to relieve it from its present unfortunate situation. I do beg my noble friend, the noble Duke (the Duke of Newcastle), to consider a little what is his duty under the circumstances which I have stated, and which have induced me not to refuse my assent to the Bill being committed. The revenues of the Church are reduced to nothing, and it will be impossible for him to act on his views of the question unless a measure for the relief of the Protestant Church in Ireland is adopted by Parliament; and on the 19th of July, if my noble friend continues to say, that he will stand upon principle, and upon principle alone, and that he will not allow the property of the Church to be touched on any pretence whatever, he may do so; but what will happen? Why, that the Church of Ireland must go—if he will not act otherwise it must be destroyed. It is true, we shall have the honour of having resisted to the last, but the Church we wish to preserve will suffer through our conduct. The noble and learned Lord who has spoken lately on this subject, mentioned the same principle as governing his vote. My Lords, I want to know from the noble Duke, and from the noble and learned Lord, whether they can dispute the facts I have stated? Can they prove that if something is not done the Church will not be ruined. If this House does not go into Committee on this Bill, are they able to say what measure

will be adopted for the relief of the Church of Ireland? I ask them whether it is possible that the Church can remain to receive the benefit of their standing out on principle for another year? My Lords, if the world was governed by principle, nothing would be easier than for a man to conduct the greatest possible affairs; but it is not so, and in all these affairs the choice of a wise man is confined to select the least of two contending difficulties, and on this occasion the lesser of two evils seems to me to be to go into Committee on this Bill, and to see what measure can be adopted for the relief of the Protestant Church. But noble Lords will say: "reject the Bill, and let those who have brought the Church into these difficulties find the remedy." My Lords, we have now reached the 19th July—the thing is absolutely impossible—the measure is urgent—something must be done immediately in order to give relief to the Church, and if that is not done the Church must fall. The right reverend Prelate who spoke with so much ability last night, urged upon your Lordships' consideration that a different measure might be adopted in order to relieve the Church of Ireland; and a right reverend Prelate who spoke this evening, likewise stated that some other measure might be adopted. I will not dispute, my Lords, that it may be proper that the Church-cess should be thrown on the proprietor of the land rather than on the occupier; but I beg to remind them that that is as contrary to principle as some of the changes proposed by the Bill. The owner of the land has made some allowance to the occupier, and I want to know whether it is not as much contrary to principle to make the owner pay that for which he has already made an allowance to his tenant? The right reverend Prelate who spoke last night mentioned another circumstance; he referred to the Grand-Jury-cess. Why, my Lords, the Bill for regulating that ought not to have passed if the House stood on considerations of principle alone. If they did so, they should not have consented to make the changes which they have already made. Therefore, I should entreat your Lordships again to consider, that if you stand on principle alone throughout this case, you will do so to the destruction of the Church. It is your duty to protect and to relieve that Church, and, therefore, you should consent to go into this Committee. I come now to another point—a few words on the subject of the details of this Bill. I certainly think that the service of the Church, being for the benefit of all the people of the country, they should pay their share of its expenses; but still I think that the payment of Church-cess should be put on a footing on which it is clearly of benefit to the Church. What the noble Earl said as to the conduct of a noble relative of mine, on a former occasion, in Ireland, is not, I think, borne out by the facts. The facts of the case are these:—The clergy of Ireland are bound, by law and by their oath, to keep schools. They had been in the habit of paying 40*s.* a-year, instead of keeping schools. My noble relative, then Secretary for Ireland, intended to oblige them to keep schools, as, by their oaths and by the law, they were bound to do. But that is a very different thing from laying a tax on the clergy, for the purpose of paying expenses which other parts of the country ought to bear. I object, likewise, to the formation of the Board relative to the administration of the First Fruits. I confess that I have not heard yet from anybody who has spoken, except from a noble Marquess, anything against the Board of First Fruits; and I do not understand why the management should be intrusted to other persons instead of that Board. In consequence of the greater labour they will have, they may require some assistance, but if so, they should be assisted by those of their own body. At the time when the 147th Clause was in the Bill, I could understand that the Government had a right to know what was the nature, the amount, and the mode of application of these funds. That clause has been struck out, and the money is now solely applicable to Ecclesiastical purposes, so that I see no reason whatever why these Commissioners should not be exclusively Ecclesiastical Commissioners, with such assistance of lay persons approved by them, as will best enable them to execute the purposes for which they were appointed. I likewise, I confess, object to the diminution of the number of Bishops in Ireland; and I cannot concur with those arguments on which that diminution was founded by the noble Earl. It is very probable, that if I now had to frame a Bill, for the first establishment of the Protestant Church in Ireland, I might not think it necessary to have three Archbishops and twenty-two Bishops to 2,000

clergy; but they are there—and they cannot be withdrawn—and you cannot withdraw from the Protestant religion and the Protestant interests in Ireland that protection which they have hitherto enjoyed, without injury to that religion there; and that circumstance alone is sufficient for me to make every possible effort to keep up the present number. There is another consideration which has already been referred to by a right reverend Prelate, and that is, that wherever a Protestant Bishop is withdrawn, a Catholic Bishop will be appointed; and moreover it is likely he will be placed in the palace, and probably use the very furniture of the Protestant Bishop. It is not a fair mode of calculating the duties of these persons to say that such was the amount of the population, or such the extent of the country, or that there were only so many benefices in the country. It is true that the Irish Bishops have sometimes but from thirty to forty or fifty benefices under their charge, but with that number they have more trouble and anxiety than any Bishop of the Church of England with 600, or even 1,200 benefices intrusted to his care. But there is another circumstance worthy of your Lordships' attention, and that is, that the Bishops in England are assisted by Deans, Archdeacons, and others, in the discharge of their duties, that is not the case in Ireland. The twenty-two Bishops of Ireland have personally to perform all the duties which the Bishops of this country perform through their Deans and Archdeacons. Another part of the Bill to which I certainly entertain the strongest objection, is that which prevents the building of churches in those parishes where divine service has not been performed for three years. And this provision, my Lords, you will observe, is made applicable to a country in which, from the very circumstances in which it has been placed, the clergymen may have been prevented from performing their duty by acts of violence and aggression. My Lords, this provision is in direct contradiction to all the previous enactments of Parliament on this subject. The former enactments of Parliament went to this—to give assistance towards the building of churches in those parishes in which divine service had not been performed for many years. That was the principle on which Parliament has acted heretofore; but now, if divine service have not been performed in any particular place for three years, Parliament, it seems, is to adopt, by way of remedy, the principle that divine service shall never be performed there again, and that no church shall be built in the place. I hold in my hand a statement of the number of churches built in Ireland under the provisions of former Acts of Parliament, and I must beg your Lordships to reflect what will be the consequences of this measure, and what would have been the consequences to Ireland, if former Parliaments had adopted the principle to which we are now called upon to assent. Subsequent to the year 1805, the principle of Parliament was, to grant money for building churches in parishes in which divine service had not been performed for twenty years. Previous to the time when this provision came into force, 102 churches and forty-one glebe-houses were built by the Board of First Fruits in Ireland, but from the year 1805 to the year 1826, 562 churches and 537 glebe-houses were built or enlarged by that Board. Now, my Lords, supposing that Parliament had proceeded thirty years ago upon the principle of the present Bill, and had said:—"You shall levy no money to build a church in any parish, in which divine service has not been performed for three years," the consequence would have been, that out of 1192 churches which have been built in Ireland, 639 would not have been built at all, being more than one-half of the whole number of churches existing in that part of the United Kingdom. My Lords, I believe it to be our duty, in every case, to do everything we can to promote the Protestant religion. It is our duty to do so, not only on account of the political relations between the religion of the Church of England and the Government, but because we believe it to be the purest doctrine and the best system of religion that can be offered to a people. That being the case, I wish to know whether or not it would not be our duty to leave out of this Bill a clause which may check the growth of the Protestant religion in Ireland? For this reason, if there were no other, I feel convinced that your Lordships will go into Committee on this Bill; and I trust that his Majesty's Government will not be disposed to adhere to this clause, more especially when it has been stated by the most reverend Prelate (the Archbishop of Dublin) as well as by his Majesty's

Government, that the clause is harmless, and that it is not intended to be liable to the objections which have been raised to it by those who are attached to the Protestant religion in Ireland. I can entertain no doubt, my Lords, if it be not intended to have those disastrous effects, his Majesty's Government will consent to its omission. My Lords, I have now gone through those parts of the subject to which I wished to draw your attention. It has given me great pain that I have been under the necessity of mixing up with these discussions any reference to past transactions; but being accused, as I was, of being the cause of that state of things in which this Church now finds itself, I was under the necessity of justifying the Government to which I belonged. I have stated to your Lordships what I take to be the real state of the Church of Ireland, and I entreat your Lordships to go into Committee on this Bill, with the view of rendering it such as it ought to be, in order to give to that Church the greatest possible stability; and I have at the same time, stated to your Lordships what I take to be the objectionable parts of the measure.

The Bishop of *Exeter* begged to correct a misapprehension of the noble Duke who had just sat down. The noble Duke supposed some of his (the Bishop's) observations in relation to Church-cess, to refer to past contracts, whereas he had expressly alluded to all the future contracts, which the landlords make with the occupiers of the land.

Viscount *Melbourne* said, that as a severe attack had been made upon his Majesty's Government, he should feel himself wanting in his duty if he did not ask to be heard by their Lordships immediately, in answer to that attack. The noble Duke had adverted to the speech delivered by a right reverend Prelate, in which he had recommended to their Lordships, with so much force, to abstain from all party spirit on this question—to avoid all topics of anger or crimination, and to apply themselves entirely to the subject before them. But the noble Duke had only referred to that admonition, it appeared, to show their Lordships how completely he was about to depart from its spirit, and how entirely it was his intention to disregard every precept urged by the right reverend Prelate. Into that debate, which had hitherto been conducted with calmness, and without bitterness or acrimony, the noble Duke had introduced the most criminatory topics — topics the most calculated to excite feelings of irritation, to rip up the animosities attached to all the subjects of difference which had agitated us for the last two or three years, and entirely to take from the debate that character of calmness and temper which the right reverend Prelate had felt it his duty to enjoin, and which it certainly was the duty of their Lordships to preserve. The noble Duke had, in the early part of his speech, thrown out a taunt with respect to the Reform Bill, and said, that as it was now acknowledged that it might lead to other alterations, he trusted, that circumstance had been mentioned to his Majesty when the Bill was first proposed. He would ask their Lordships whether he had not himself, on the second reading of the Reform Bill, stated that it must necessarily lead to very great changes? Whatever there might have been erroneous in that declaration, there certainly was no deceit or delusion. He had distinctly stated, that such must be the consequence of the measure. The noble Duke then went into all the policy of his Majesty's Government upon the different great measures which had been before them, and he condemned, in one sweeping censure, every one of those measures, although upon all of them he himself acknowledged that it was necessary some steps should be taken, and hardly any of his objections applied to any thing but the details. The noble Duke then proceeded to misrepresent his noble and learned friend who had in his speech last night referred to the subject of the Catholic Relief Bill, and the noble Duke stated, that his noble and learned friend said, that all the evils which we had now to contend with arose from the delay of the measure since 1825, and, he asked, whether there had not been agitation previous and subsequent to 1825. What his noble friend had said was, that if the measure had not produced all the satisfaction which was hoped for from it, this was to be attributed to the general delay which had taken place for many years; and, he added, that in 1825, it was not yet too late to bring the subject to a satisfactory arrangement. If he remembered rightly, the same interpretation was to be put upon the observations of his noble friend who opened the debate, and on which the noble Duke

founded his justification of his attack upon the Government. His noble friend had not attributed the evils of which he spoke to the noble Duke's Government, but to the system which had been persevered in for a long series of years. But the noble Duke said, that his noble friend, since he had assumed the reins of Government, had originated no measures, except such as tended to produce the state of things in Ireland which the noble Duke, in common with all their Lordships, so much regretted. The noble Duke charged Ministers with having, as the first act of their official career, appointed to the Lord-lieutenancy of Ireland a nobleman of all others the least fitted for the office. Now, this was a mere assertion, which he might meet with a counter assertion, just as valid and far more tenable, that Lord Anglesey was the fittest person that could have been selected for the Lord-lieutenancy of Ireland; but as this mode of discussion proved nothing, he would examine the grounds on which the noble Duke had ventured to give utterance to his censure. It appeared to have been founded on the letter of Lord Anglesey, to which the noble Duke had referred, in which that noble person recommended the people of Ireland to continue to agitate; but in order to make the taunt tell the more effectively, the noble Duke favoured them with a definition of what he considered "agitation" in Ireland really meant. He told them in set terms, that agitation in that country was neither more nor less than a conspiracy of priests and demagogues against all social order; that it meant the plunder and spoliation of property, and outrage and murder. Now, without pausing to ask, could the noble Duke deny that Ministers had, by the Coercion Bill, applied an energetic remedy to the state of things thus forcibly described,—he would ask, did the noble Duke, nay, could the noble Duke mean to insinuate, that these lawless proceedings were those which Lord Anglesey meant to encourage when he told the Catholics to "agitate" till they obtained their Relief Bill? Was it fair, was it just, was it generous, in the noble Duke to so couple his definition with a reference to Lord Anglesey's letter as to make it appear that—

The Duke of *Wellington:* The noble Marquess ought not to have pursued such a course. The expression was wrong.

Viscount *Melbourne:* The letter was, he admitted, an imprudent one, and not such as he would have advised; but had the noble Duke himself never written an imprudent letter? If he was not greatly mistaken, the noble Duke wrote a letter which was contemporaneous with that which had been adverted to, and was as imprudent a letter as a Prime Minister ever penned. That circumstance might have induced the noble Duke to view a similar error in another with something more of leniency than he had exhibited. The noble Duke had waded through all the policy of Government with respect to Ireland. He, undoubtedly, believed, that disturbances with respect to tithes prevailed previously to the time to which the noble Duke alluded, but it was the hope and expectation of Government, that the vigorous and firm application of the law would have repressed them. That expectation had been frustrated, and, he now believed, that it was impossible, notwithstanding the assertions to the contrary, that the application of the law, by what hands soever administered, could have restored tranquillity to Ireland. The noble Duke had, with great diligence, raked up every old topic of complaint against the Government—even the pardoning of the persons at Kilkenny. What was the fact with respect to that case? It was represented to the Lord Lieutenant that it would greatly tend to promote the restoration of tranquillity in that district if a number of persons who had been concerned in tithe-meetings were pardoned, and, accordingly, their punishment was commuted. Whether that proceeding were right or wrong he would not then stop to inquire, but it was childish—it was absolutely puerile—to attribute the opposition to the payment of tithes which had, for many years, prevailed, and was still prevailing, in Ireland, to such causes as these. With respect to the intermission of proceedings for the recovery of tithes under the Coercion Bill, the noble Duke must be aware, that that Bill was never intended to be used for the purpose of collecting tithes, and that, notwithstanding the intermission of proceedings under it, the legal means for the recovery of tithes still remained. The noble and learned Lord who opened the debate this evening, dated all the difficulties of the present moment from the passing of the Roman Catholic Relief Bill. He, on the

contrary, dated all those difficulties from the introduction of the system of what the noble Duke called the encouragement of Protestantism. What was the system pursued in Ireland previous to the Revolution? It was a system of extermination, with the view of eradicating the Roman Catholic religion, and planting Protestantism in its place. Such was the system pursued under Edward the 6th, such was the system pursued by James the 1st, by Strafford, and by Cromwell. At the Revolution another system was introduced,—that of penal laws; still, however, in order to effect the same object, the extirpation of the Catholic religion. The two systems had failed, as such systems always had failed. It had invariably been found, that whenever measures had been taken to prevent a particular sect from acquiring and transmitting property, and from holding public offices, it had increased in opulence. This might be proved by a reference to the Jews, Quakers, and other Dissenters in England, and the Roman Catholics in Ireland. In 1795, when the existence of the Roman Catholics was first acknowledged by the reception by the Sovereign of an address from a delegated body, the penal code ought to have been abolished. Their Lordships should recollect, that they were now legislating for a country in which the established religion was different from that of the great majority of the inhabitants. He said that, under such circumstances, it was necessary to adapt the institutions, as far as was possible, to the feelings of the people, and, he contended, that this Bill had that effect; on that account it merited their Lordships' support. He should not at that late hour go at large into the provisions of the Bill, or dwell upon the various topics which had been urged; but with respect to the reduction of the bishoprics, he would say, that something was necessary to be done to correct the great disproportion stated by his noble friend who had opened the debate. Great fears had been entertained with respect to the spread of popery, or of other modes of faith, different from that of the Church of England, but he did not think that this measure was likely to lead to any such consequences. If the Church of Ireland were to be, as some persons wished it, a proselytising Church, he would ask for one thing, whether the appointment of parochial clergymen, who would zealously perform their duties, would not be more likely to extend the beneficial influence of Protestantism than leaving the Church exposed to the opprobrious attacks to which it was at present liable? The noble Duke opposite had complained, during the course of his observations, of the manner in which the Commission to be appointed under the Bill was to be constituted. The objections of the noble Duke related chiefly to the appointment of laymen for the regulation of matters wholly ecclesiastical. In order to enable the noble Duke to overcome his objections, he would refer him to the opinion of the Primate of all England, who had declared that he saw no difficulties in the way of appointing laymen on the Ecclesiastical Commission, and that he saw no fault in that part of the Bill which could not be easily obviated and removed. For his own part, he thought it much better that a certain number of laymen should be nominated to act on the Commission, as the general results would thereby be more beneficial. He would not at that moment go into any of the details of the Bill, nor would he touch upon the readjustment of taxation for the purposes of the Church of Ireland; but, he should reserve what he had to offer for the Committee on the Bill, in case it reached that stage. One thing he must say of the clause for the suspension of Divine Service in certain parishes in Ireland, to which so many objections had been urged, that all which it was intended to effect by that clause was, merely to relieve the parish from the unnecessary burthen of a clerical establishment when such was not needed, as must be the case where Divine Service had not been performed for three years; but then it ought to be recollected, that this matter rested entirely within the province of the Commission appointed under the Bill, and the decision of that Commission was alone to form the ground for depriving parishes of their clergy. Of course, in all cases where Divine Service had been interrupted, either by intimidation, violence, or other causes not originating in the clergy themselves, the Commission would not act up to the letter of the Act; but if there were Protestants in the parish sufficient to form a congregation, it would be the duty of the Commissioners to refrain from applying that provision of the Act to such neglected parishes. The noble

Duke, though he confessed that it was necessary to do something with respect to the Church Establishment in Ireland, contented himself with objecting to almost all the provisions of the present Bill, without suggesting any remedy of his own. He thought that the Bill was calculated to effect the purpose which it had in view, and, therefore, he entreated their Lordships to read it a second time. He would not weary them by any further observations, but after the remarks of the noble Duke, he had thought it his duty to offer what he had said in defence of the Bill.

The Earl of *Longford* said, that the Bill was a measure so completely inimical on the whole, to the well-being and future stability of the Irish Church, that although he was ready to admit there were many useful suggestions and reasonable alterations proposed in it, yet his objections to it were so great that nothing could induce him to join in sanctioning by his vote the second reading of the Bill. Amongst many other inducements which had been held out to their Lordships by the noble Earl, who had brought the Bill forward, to accede to the second reading was this, that it had been agreed to by very considerable majorities in its various stages during its progress through another place. The noble Earl had expressly alluded to the several divisions on the Bill, and had confidently cited them as so many irrefragable reasons for the obtainment of their Lordships' assent to the measure. Now he was ready to admit, that there might be much that was reasonable in the noble Lord's argument on this point, but still he did not think there was any thing strong enough to win those who were opposed to the Bill on principle, from their opinions. For himself, he was willing enough to defer to the opinions expressed by the majorities in the other House of Legislature, and to accede to their decisions, but he might with some show of reason ask, was no deference to be shown to the opinions of the minority, who formed no inconsiderable number at some stages of the Bill? In fact, he thought that so far from their Lordships being induced by the noble Earl's argument to withdraw their opposition on account of the numerical majorities in favour of the Bill in the other House, they were called upon to analyse those majorities, and to estimate precisely the manner in which the numerical forces of the Government had been arrayed in favour of the measure. Another favourite topic of the noble Earl consisted in his portraiture of the extreme disappointment which would be experienced by the country in case their expectations that the present Bill would pass into law were to be baulked. And pray let him ask, who raised those expectations? Those who sat on his side of the House did not. There was no blame on that score to be imputed to them. It must fall in all its force on those who had indulged their desires, and had partly attained their wishes by trifling with the public excitement, and by raising hopes which no reasonable man or well-wisher of his country could ever assist them in realising. Their Lordships, so far from acceding to the arguments on this point of the noble Earl, ought, on the contrary, to resist the clamour to which he had alluded, with all the force in their power at the present moment, for let them again give way to it, and at some future and not far distant period, it would recur again in a more violent, arbitrary, and exacting form; whilst they, in consequence of their previous submission, would have to stem it with diminished resources, until at length their Lordships would be merged in the struggle. A noble and learned Lord who spoke last night (Lord Plunkett) concluded his speech by appealing to noble Lords on that (the Opposition) side to support this measure in the spirit of Reform. What! call upon them to forward Reform who only submitted to Reform, who thought the Reform Bill a measure concocted in error, continued in manœuvre, and concluded in mischief? The noble and learned Lord had characterized those who opposed this Bill as pertinacious. He assured the noble and learned Lord, whether he uttered this in the character of a British Peer, or of an Irish Chancellor, or of a modern Hannibal, that he was not pertinacious in his opposition, and, further, that he would not be restrained by such terms from persevering in his opposition to the Bill. He had heard it said, that, so long as their Lordships were friendly to Reform, so long would they be regarded by the country. He read these words as implying that, so long as they debased their character by administering to the passions of the people, and degraded themselves by pandering to those passions, so long would they be allowed to drag out a miserable exist-

ence, and they then would be annihilated. In pursuing his subject, the noble and learned Lord had offered very little encouragement to look to better times in the existing mania for change and interference in every branch of the State. He much suspected that noble Lords on the other side had let slip a political spring, the range of which they had not judged, the operation of which they had not talent to guide, and the principle of which they had not capacity to understand. A noble Marquess, the other night, had dwelt on the necessity of a measure of conciliation after one of coercion. He easily knew what was meant by coercion; but if the noble Marquess had lived a little more in Ireland he would have altered his opinion of that measure; for although, in particular cases, it might be used as a coercive measure, it would not coerce any who did not premeditatedly intend to break the law—first, by conspiracy; secondly, by combination; and, lastly, by open rebellion. It was a measure of prevention that demagogues only need fear. The country was now completely quiet, and all lamented that the measure came so late. It was criminally late. Statements had been laid before the Government of the state of the country, and the outrages committed. How many families presented widowed mothers and fatherless children, owing to the lateness of that measure! On the Government lay the heavy responsibility of this delay. The Bill before their Lordships swept away half the Bishops of the land. A noble Marquess holding a high situation, had said that so small a population needed no more Bishops. That might do very well if there was a small population of Protestants and no other. But of all cases, that which demanded the full exertion of every power in the country and the Government was, where there was a comparatively small and divided Protestant population, and an extremely large, active, Catholic population, attended by a Catholic clergy, and a body of active Catholic Bishops. He said nothing against the Bishops; if he had been a Roman Catholic he should have done as the Roman Catholics had done; but what he contended was, that this being the case in the existing situation of Ireland, it was highly inexpedient to reduce an establishment which was to counterbalance that of the Roman Catholics. The diminution of the number of Bishops would add infinitely to the difficulties of the situation of the Protestants in Ireland. Then came the taxes of the clergy. He should begin with the cess. This was a small tax which was paid without difficulty, and could not be a source of grievance. He knew that it had been a convenient handle to those who objected to pay any thing to the Protestant clergy. These taxes, however, fell upon the landlords. Tenants did not pay tithes nor cess. The opposition to them was totally a Roman Catholic opposition to Protestants. His noble relative the Duke of Wellington had said that, for the sake of the Church itself, he should not oppose the going into Committee. He could not come to the same conclusion. The noble Lord concluded abruptly, observing that there were other points on which he had wished to address their Lordships, but he was not in the habit of speaking in the House, and, in fact, he had forgotten them.

The Duke of *Newcastle* said: I always rise under pain and difficulty to address your Lordships, and, upon the present occasion, believe me, that pain and difficulty are increased beyond my powers of description. I had risen several times in the course of the evening with the intention of addressing your Lordships in consequence of what had fallen from the right reverend Prelate (the Bishop of London) and the most reverend Prelate (the Archbishop of Dublin), who have spoken this night, and some remarks which had been made by other noble Lords in the course of the debate; but, having failed of success, I had abandoned the idea of intruding myself upon your Lordships' notice, as others, so much better qualified to gain your attention, are desirous of addressing you. I should have been well contented to have been silent, but, after the pointed remarks of the noble Duke (Wellington) near me, which involve, not reflections upon my individual opinions only, but upon what concerns the vital interests of the country, as connected with its virtuous or vicious existence, I cannot sit still, and am forced to endeavour to justify my own opinions, and to show the fallacy and unworthiness of those of the noble Duke. I never imagined that the noble Duke would have thought of adopting such a course, and my surprise could only be equalled by my pain, when I heard the noble Duke recommend your Lordships to disregard

principle altogether, and to be guided only by expediency. Your Lordships may, therefore, imagine the extent of the pain, under which I rise to reply to what has fallen from the noble Duke, and the difficulty which, under such circumstances, must accompany the first unprepared essay I ever made, to reply to what has been said in debate in this House. The noble Duke has, if I mistake not, said something like this, "You have been called upon by my noble friend, the noble Duke who sits near me, to resist this Bill upon principle; I implore your Lordships not to follow that advice. The clergy are starving, and, whilst you are adhering to your principles, they will be ruined. Principle will do nothing for you, you must be guided by other motives, you must look to the result of the measures which you adopt, and suit them to the circumstances of the times." I have understood the noble Duke to have said something like this and much more, to inforce upon your Lordships the necessity of totally disregarding principle, and of adopting the opposite course of expediency, without any principle at all, and this he has done, aware of my previously expressed opinions, and he now solemnly warns you of the worthlessness of principle, cautions you not to be led by my exhortations to abide by it, implores you to throw it aside, and to think of nothing but the necessity of the case which requires that you should pass this Bill, which he has stigmatised as a bad one, and thereby save the Church from destruction and the clergy from ruin. I must, surely, have misunderstood the noble Duke's meaning, or I could not have heard his words accurately. If, however, there is no mistake—if these were his expressions, I deeply lament them. I really am shocked that such sentiments should have emanated from the noble Duke, and it is to combat such doctrine that I now rise. As you know, I entertain very different notions, and I am deeply anxious that these modern maxims should be superseded by others better calculated to bring about an improved condition of the country. When I uttered them, I little thought that any sentiments or expressions that fell from me, would be the object of remark, much less that what I uttered as truisms, would be arraigned by so many noble Lords as false doctrine and erroneous theory. Notwithstanding the opinions of noble Lords, I still maintain that I am right; I do not retract one iota of what I have said, and, in opposition to the appeal of the noble Duke, I would again beseech you to stand upon the only sure and solid ground—that of principle. I have not the presumption to think that I am to give advice to your Lordships, but if you will act, as I fervently hope you may, you will, by upholding your own honour and character, render not less essential service to your country generally, than you will render to yourselves as a body which should stand high in the estimation of that country, and by example and precept, point out the course which all ought to pursue. For what is a country worth which is not guided by a just, moral, and religious principle? There is no sure basis but that: in departing from it, we have been brought into our present deplorable condition, and we can never hope to see better days, and regain prosperity, until we return to those good old English principles which used to be cherished by us, and which used to constitute the strength of the nation. It pains me to be obliged thus to place myself in opposition to the noble Duke, but he has drawn it upon himself—he has reflected upon my opinions as fallacious, and he has tried to lead you away from the adoption of them, and to join his standard of expediency. It is on national grounds that I resist his argument. I admire and respect the noble Duke for all that he has done for the country—for his great and proud military services,—and for the eminent benefits which have resulted from them to this nation and to the world. I owe to him a deep debt of gratitude; but, in his political views, it has more than once been my misfortune to differ from him. I am compelled to do so on the present occasion. The noble Duke has drawn a frightful picture of the condition of the Bishops and clergy in Ireland; he has told you that many are reduced to beggary and want; he tells you that this is an abominable Bill, and yet he gives this as a reason for reading this Bill a second time, and for going into Committee, and says, that he will vote for the Bill, in order to relieve the clergy, and to save the Established Church in Ireland. Why, my Lords, I know of no one clause in this Bill which has the slightest tendency towards this effect. I ask the noble Duke to point out any part of the Bill which pretends to do it; so that I am at a loss to conceive how the noble Duke can have

brought himself to give such a reason for such a course. According to my view, the Bill has a directly contrary tendency: if it had been framed by the greatest enemies of the Church, it could not be more hostile to the Establishment, and it must inevitably lead to the overthrow of religion. Again, the noble Duke gives you a history of the rise and progress of those events which have brought about the existing state of affairs—in this, also, I disagree with him. He attributes it to agitation in Ireland, and various circumstances attendant upon that mischievous proceeding. Now, I, my Lords, attribute it to other and very different causes. I must speak the truth, and say, that I honestly think that the concession to a fictitious clamour was the commencement of evil; the abolition of the Corporation and Test Acts placed you under the supposed necessity of granting immunity to the Roman Catholics: these points obtained, the step was short to the position of affairs in which we now find ourselves. These, as I think, are the real causes, and not alone those stated by the noble Duke. Having risen expressly to reply to the animadversions of the noble Duke, I perhaps ought to say no more, and I must confess, that I feel ashamed of standing before your Lordships and saying so much about myself; I cannot sufficiently apologise to you for doing so, but, with your permission, I will only trespass upon your patience for a few moments longer, to notice what has been said by other noble Lords, in remarking upon what fell from me at the opening of the debate. The noble Earl opposite accused me of taking an unstatesmanlike view of what should be the duty of a member of a great deliberative assembly. My Lords, I am not offended at this accusation—I do not pretend to be a statesman. It has been my peculiar fortune never to have been placed in a situation which would call forth the practice of any of those qualifications which, in the accepted definition of the term, constitute a statesman. I merely appear to be taking a plain common-sense view of a case or question, and no more. Perhaps it might be well if others had the wisdom to discover that they were not statesmen. This, however, I will venture to say, that if I were a statesman, I would never sacrifice principle to expediency—neither would I counsel my Sovereign to violate his Coronation Oath—neither would I insult Parliament by introducing such an iniquitous Bill as this now under discussion; nor could I for an instant conceive the idea, much less execute it, of attempting to control the free discussions of this high, and until now, deliberative assembly by illegal and unconstitutional means. Of such flagitious acts as these, if I pretended to be a statesman, I most certainly would not be guilty. The noble Earl said, that in standing upon principle, and shutting my eyes to consequences, I appeared to have taken for my motto, "*Fiat justitia, ruat cœlum.*" I disclaim this; neither do I, although I support the action upon the principle, exclude from my calculation what may be the consequences, but, I say, if you act honestly, uprightly, and with integrity, what have you to fear? Your Lordships may be—you are entitled to be, and you should be,—regardless of any consequences which may follow from the defeat of a vicious measure, or the faithful performance of an honourable duty which is imposed upon you; and I must again repeat, that you cannot swerve from this path of duty without disgrace and dishonour. I disown the motto assigned to me by the noble Earl; if I took any motto, I would rather adopt one which was used by the noble Duke, in a manner so effective and so highly creditable to him at the termination of one of his speeches early in this Session, which was, "Be just, and fear not." Your Lordships' patience will be exhausted if I detain you longer; I will therefore conclude with observing, that the most reverend Prelate, (the Archbishop of Dublin) and the right reverend Prelate (the Bishop of London) have treated the subject before them in a manner which has astonished me. In listening to them, had I not known who they were, I might have well thought that they were not churchmen, but amongst the enemies of that Church which they are bound to uphold and to defend. I had, at one time, intended to have replied to several of their observations, but I feel that I have already trespassed too much upon your kind indulgence. I cannot conclude without assuring the noble Duke and other noble Lords, that in what I have said, I have had no intention of giving offence to any. Had I forborne to endeavour to refute the animadversions which have been made upon me, I might have been accused of unmanly silence, and I have only to hope, that in the lan-

guage which I have used, I may not have been betrayed into an acrimonious expression of my sentiments. I have sincerely to thank your Lordships for your patient and indulgent hearing — I shall vote against the second reading of the Bill.

The Bishop of *Bath and Wells* said, that he should vote for the second reading of the Bill, because this measure had been brought forward by a very large majority of the House of Commons, and because it had the sanction of his Majesty, and for these reasons he must give his vote for the second reading.

The Bishop of *Hereford* merely wished to give his reason for the vote he was about to give, without entering into the details of the measure. He would give his support to the second reading of the Bill. He felt great confidence in those who had proposed the measure, and he felt a conviction that they would never have sanctioned, far less have brought forward, a measure which they did not believe would be beneficial to the Church. He believed his Majesty's Government to be sincere friends to the Established Church. There were several of the provisions of the Bill, indeed, on which he looked with uneasiness and distress, but he hoped that they would be modified in the Committee. Several modifications had been made which had done away with the most material objections which he had to it. The withdrawal of that clause, especially, which went to appropriate the property of the Church to secular purposes, had made it much less objectionable. Still, however, there was much in it of which he could not approve. He would not then enter into details, but would simply say, that much as he disliked some of the details, he would vote for the second reading, from a conviction that some measure of the kind was necessary for the safety of the Church of Ireland, and that much greater injury would befal the Church from a rejection of the Bill than by its adoption. On those grounds (and they were not lightly taken up), he had come to the conclusion, that it was his duty to support the Bill. He could not support it with the same cordiality with which he found himself enabled to support the other measures of his noble friends, but he still would vote for the second reading, as he considered the Bill essential to the tranquillity of Ireland.

Earl *De Grey* said, he would not trespass long on their Lordships' attention, but, as the vote which he was about to give might create an opinion that he entertained more confidence in his Majesty's Ministers than he actually felt, and gave a more extended approbation to the Bill itself than he felt inclined to give, he begged to say a few words. He meant to support the second reading of the Bill. He did so on the same principle with the right reverend Prelate who had last spoken, and who had stated that he should give a reluctant vote in favour of the second reading of the Bill; and that he should give that vote with much pain. He thought that no man could deny, that the Church of Ireland was in a state which called for interference. What the causes of that state had been, or whether the Bill was the most proper remedy, he would not wait to inquire; but still it could not be denied that something ought to be done. He thought, that the withdrawing of the clause which had been withdrawn, had very much diminished the danger of the Bill, and though he considered that there was still some danger, yet he hoped, that, by the wisdom of Parliament, it would also be obviated.

The *Lord Chancellor* entirely agreed with the right reverend Prelate who had last spoken, and with the noble Earl who had just sat down, in considering that an absolute necessity existed of introducing a measure of the nature of that which was before that House; but he entirely differed from them in the reluctance with which they would give their votes in favour of this Bill. It had been admitted by the noble and gallant Duke, that this measure, or a measure of the same kind, was absolutely necessary, both on account of the safety of the Church, and the security of the State. The noble Duke had not proposed any other measure instead of the present Bill; he had not brought forward even the outline of a measure which he would recommend to their Lordships as a substitute for the present measure, and he (the Lord Chancellor) therefore understood, that though the noble and gallant Duke was by no means pledged to the Bill in its details, and might accordingly vote for any modification of those details—still, that he was pledged to the admission of the principle upon which the Bill was founded—and that, on that admission of the principle, he was prepared to send the Bill to a Committee

of their Lordships' House. He (Lord Brougham) thought that among the noble Lords who had spoken in opposition to the Bill, there existed a great degree of misunderstanding both as to the principles on which the Bill was founded, as to the ends proposed by the measure, and also as regarded the connexion which existed between this Bill, and another measure which had occupied their Lordships' attention at an early period of the Session. They had heard from a right reverend Prelate, that doubtless this measure was brought forward as a boon to the people of Ireland in conjunction with, and to counteract the Coercion Bill. The right reverend Prelate said, that the Coercion Bill was brought in as a penalty on the people of Ireland; and that it was, therefore, necessary to bring in the present measure as a boon. But he begged to tell their Lordships, that the Coercion Bill could only be justified by stern necessity, and to preserve the peace of the empire, and the lives of his Majesty's subjects; and that it could not therefore be considered as an infliction, but as in itself a boon. But no one connected with the Government had put the justification of that measure upon such grounds. What had been said by them was this: It must be allowed, that the necessity which called for the Coercion Bill was an unhappy necessity; the peace and tranquillity of Ireland were broken, and no other means seemed to be left for restoring quiet and order. It was evident, that the first and primary duty of the King's Government was to preserve the lives and protect the property of his Majesty's subjects. Those were placed in jeopardy in Ireland, and under these circumstances of dire necessity, his Majesty's Ministers, with unfeigned reluctance and regret, proposed the Coercion Bill. In proportion to the necessity for the enactment was the pain with which they yielded to that necessity. Ireland was then labouring under a complication of miseries; in fact, society in that country was in a state of complete disorganization; and it therefore became the immediate and bounden duty of Ministers and of the Parliament to strengthen the laws so that security and quiet, should be restored. It was also the duty of Ministers to inquire into the causes of this alarming state of society, and consider what measures might prevent a recurrence of those scenes. It was the duty of the Government instantly to devise and bring forward such other measures as they thought would prevent the recurrence of such a state of things, and would allay the heats and discontent out of which they had arisen, and which had rendered the Coercion Bill a case of urgent necessity. It now had become necessary to consider how they could prevent the recurrence of those mischiefs. It was in that view, that these two measures were connected; and he maintained, that he not only should have been guilty of a breach of duty to his country, and of a breach of his professional and ministerial duty to his King, but that he should have been totally unworthy of the confidence and respect of the country, if he had abstained from taking the very first opportunity of allaying the anxiety of the minds of the people of Ireland, and of meeting the great body with measures of kindness and conciliation. Now, that the measure should produce the full effect which was expected from it, that it should produce that conciliation and satisfaction which were essential to the full effect intended from it, was more than he would take upon himself to hold out. But it was enough to justify the Government, that it had been founded upon that principle, and that the same principle was followed out in all its details; that it was a measure, which, whatever its effects might be, ought to give satisfaction, and ought to produce conciliation. He did not assert, that such must necessarily be the effect of the Bill; he hoped they would; the Bill was framed with that intention; and if such was the nature of the Bill, it was such a measure as the Government was bound to propose, and the Parliament was bound to sanction. When he considered the great grievances which existed in Ireland, and which it was manifest had produced the state of disorder to which the country was reduced, and the acts of violence which had been committed in it, he could hardly wonder that such were the effects produced by them. He did not wish, however, to be understood as intending to praise any of those acts. He disapproved of them as much as any man, and though he could find something like an excuse for them in the grievances from which they suffered, still he condemned them, on broad principles, as much as if they had not had any such extenuation. Let them look in the first place to the Church-cess. Could they

conceive anything more galling than that tax was. Did they recollect the manner in which that tax was collected—for what purpose it was raised—and by whom it was raised? Let their Lordships put themselves in the same situation, and consider how they would bear it. Let them suppose that the Catholics of England raised a cess upon the Protestants of that country, for the support of the altar, for the repairs of the Catholic churches, for vestments for the priests, for bells, tapers, and other articles necessary for Catholic solemnities and ceremonials, all of which he would not say were held in contempt, but at least in abhorrence, by the majority of their Lordships as religious ceremonials and solemnizations; and could their Lordship's conceive a situation more painful, or from which they would be more anxious to be relieved, than from a tax of this description, however trifling in amount, but levied on those who could not derive any benefit from it, but who, on the contrary, felt it was raised for purposes for which they had not the least degree of respect. That was the state of the Catholics of Ireland; and to relieve them of that Church-cess was one of the great objects of this Bill. It was a grievance which came round every year, and was constantly rankling in their breasts, and irritating them, and their Lordships had only to suppose themselves placed in the same situation to be made aware of the force of the grievance from which the people of Ireland were now to be liberated. It had been said, that the Catholics and Dissenters of England had to contribute to the support of the Established Church; that they had to pay tithes; and as they had to pay tithes, why should they not as well pay cess. The answer was, that tithes were not the property of the persons in question, but that they were part of the property held by the Church. But that was very different from the cess, which was a tax, and that a tax to be paid for the purposes of a religion for which those that paid it had the same sort of abhorrence which their Lordships had for the Catholic religion. They had heard a great deal of the fund from which the purposes of this Bill were to be carried into execution. They had heard from a right reverend Prelate, that an error had been made by the Government in the calculations on which the measure was founded; but the right reverend Prelate had himself committed as gross an error as well could be. He said, that the Government had made an error of 100,000*l.*, because they had taken the amount to be derived from the sale of Bishops' leases at 500,000*l.*, which, he said, they had over-estimated, because, instead of founding their calculation on the amount to be derived from the nett value of those taxes, they had taken the gross value, which error made a difference of 100,000*l.*, and that, consequently, 400,000*l.* was all that they could reckon upon from that source. He (Lord Brougham) would at once admit, that if the right reverend Prelate's premises were correct, the conclusions were perfectly right. But so far were the premises from being correct, that they were radically wrong, and there was a fundamental error in his whole calculations; for, in fact, the calculations had been taken from the nett amount of the value of these leases. [The noble and learned Lord entered into a long calculation to show that they had taken the nett amount of the value of the leases, from which it appeared that, instead of the amount being over-stated, the Government had made these calculations on a lower scale than they were entitled to do.] He had gone into this calculation because he wished to set their Lordships right upon that head, as it was one of the principal foundations of the whole measure. As he had set the right reverend Prelate right on that great point, it might be as well to set him also right on some smaller points; for it was not only in great calculations that the right reverend Prelate committed gross blunders, but when he came to smaller sums, his inaccuracy was fully as great. He had stated, that the saving in the bishopric of Derry would be only two thousand pounds.

The Bishop of *Exeter* said, he had stated that the future saving would be two thousand pounds.

The *Lord Chancellor* resumed: The right reverend Prelate was still wrong, for the immediate saving would be on the bishopric of Derry 4,160*l.*, and the ultimate saving would be 6,160*l.*

The Bishop of *Exeter* said, he had given them credit for the 4,160*l.*, and that there would be an additional saving hereafter of two thousand pounds.

The *Lord Chancellor* said, he certainly then had misunderstood the right reverend Prelate, for he had understood the right reverend Prelate to say, that the ultimate

saving would only be 2,000*l.* It did not, however, much signify how it had been stated, for the fact was, that the immediate saving would be 4,160*l.*, and the ultimate saving 6,160*l.* But the right reverend Prelate had also said, that 264,000*l.* was to be deducted from that sum, which the Commissioners would be liable to pay for arrears due by the Board of First Fruits. Now, it would be found, that though 264,000*l.* had been set down to the debit of the Commissioners, as they were to succeed to the Board of First Fruits, yet that they were to succeed to all sums, which appeared at the credit side of the Board, as well as those on the debit side, and that a sum appeared on the credit side which exactly covered the sum due. So that both sides might be struck off, and there would not be one fraction to pay over of that sum of 264,000*l.* He had only entered into this calculation to show that it was incorrect to say, that the Government had founded this measure upon false grounds, or that Ministers were not right in supposing that they should have ample funds at their disposal for the accomplishment of the objects in view. He was not disposed to agree with those who said, that the arrangement of the Church-cess was the only object of the Bill, although he admitted, that that part of the Bill was very important, in order to afford security to the Church. But so far from thinking that the sole, he did not even consider it the principal, merit of the Bill,—he said, at once—and he did not fear to be contradicted when he said so—that the diminution of the number of Bishops in Ireland had become absolutely necessary. Let any one compare the number of Irish Bishops with the number of English Bishops—let any one compare them to the number of the pastors and the number of the flocks—let him regard them with respect to the number of the congregations as compared with the number of benefices; and when he saw the disproportion between the labourers and those benefited, and especially when he saw the gross disproportion between the number of the English and of the Irish clergy, the wonder would be, not that such feelings as now prevailed among the people of Ireland, existed, but that they had not before been excited to an alarming extent. That nine times the same number of members of the Established Church of England should have only the same number of Prelates as were in Ireland, surely could but be deemed to be monstrous. And whether the subject was looked to with regard to the revenue or the population, it was equally monstrous. The nett revenue of the Archbishops and Bishops of Ireland was 128,000*l.*, and the revenue of the Archbishops and Bishops of the whole of England was little more. Now, was it to be endured, that for a population of 800,000 or 900,000, which was the number of persons professing the established religion in Ireland, and where the number of clergymen was only from 1,300 to 1,400, the same expense should be incurred, and nearly the same number was kept up, as for the Hierarchy of the whole of England, where there was a population of 9,000,000 professing the established religion, and from 9,000 to 10,000 clergymen. He was sure that England would never be satisfied unless an adjustment of the Church of Ireland was entered into. It had been said, that the Parliament had no right to reduce the number of Bishops—that it was an interference with the Church, and an encroachment on the rights of property. Although he knew that nothing came more frequently within the ordinary jurisdiction of Parliament than the interference with property, still he would admit, that if this were an undue interference with property, he should think it a great impediment, though he would not say that it was an insurmountable obstacle, to passing of this measure. He denied, however, that such was the case. It had been also stated, that the King could not give his assent to this measure; that to do so would be a violation of the Coronation Oath, and of the article of the Union. He did not see the noble and learned Earl who had commenced this evening's debate now in his place; and he lamented it, because he should otherwise have entered into the arguments his noble and learned friend had adduced on the subject of the Coronation Oath. He, however, much doubted whether he could properly dispense with making some remarks upon what had fallen from his noble and learned friend, even in his absence. He must say, that he concurred in the doctrines laid down by the noble and learned Baron, (the Chancellor of Ireland) in the course of last night's debate. But it was contended, that even if the necessities of the State—the voice of the people—the unanimous declaration of the Government—the will

of the parties for whom the Oath was devised, and who alone were interested in its being kept, should call out for a change according to the exigencies and circumstances of the occasion—still, happen what might—call as loud as they might—let the dangers be ever so numerous, ever so great, ever so urgent—let the necessity for dispensing with the obligation be ever so obvious, and so pressing—it was impossible that they could get out of the difficulty; it was impossible that they could extricate themselves from the dilemma, for the contract, it would seem, was one with which human bodies and human business had nothing to do, and over which a human Legislature had no control. To that they must come, if they should adopt the reasoning of his noble and learned friend, or they must have recourse to that alternative which the Catholics, formerly, under somewhat similar circumstances, had adopted by vesting a dispensing power in the Pope. They must, like them, vest a dispensing power in some human authority residing on the earth, and possessed of only earthly powers and attributes. But while the Catholics formerly acknowledged the existence of such a power, they vested it, some of them in the Pope, some in the conclave, and some in a general council, and, as their Lordships were no doubt aware, controversies took place at various times amongst the Catholics as to where and in what portion of the Church that dispensing power, that power of infallibility, resided. All of them acknowledged, that it was vested somewhere, and the great majority of them believed that the Pope, whom Protestants called the Bishop of Rome, but whom they called the vicegerent of Christ on earth, had, as such, that power of dispensation deposited in his hands. To one or other of those two alternatives, he would repeat, their Lordships must come, if they should adopt as correct the reasoning of his noble and learned friend with regard to the nature of the Coronation Oath. He knew that those great champions of Protestantism—a noble Earl whom he did not just then see in his place, and a right reverend Prelate opposite—had appeared, if he was not mistaken, to entertain the propriety of adopting in some cases one of those alternatives, and lodging a dispensing power, he believed, in clerical hands in some instances; at all events, he believed, that the suggestion had been made from some quarter during the debate, but where he would not now stop to inquire. But let their Lordships see the situation in which they were placed, if his noble and learned friend's argument was right, and if it was to be carried to as high an extent as he had urged it, with respect to the inviolability of the Coronation Oath. Let them see the situation in which, under such circumstances, they would place many of those who had gone before them, and some of those who remained—the memory of deceased princes, the fame of departed Parliaments, and the reputation of the surviving councillors of some of our sovereigns. What would their Lordships say—what would his noble and learned friend say—to the abolition of a bishopric in 1745, and a similar instance of the abolition of another bishopric in 1752? But his noble and learned friend would probably say, that this was only one instance of such a proceeding, and that there was a great difference between a single violation of a right, and a single infraction of the Coronation Oath, and a wholesale sweeping violation of a right, and a wholesale sweeping infraction of the Coronation Oath, such as was to be found in the measure now before the House. Now, he (the Lord Chancellor) must confess, that he for one could not discern—was, in fact, utterly unable to discover—the force of such a distinction. He could not perceive the remotest particle of difference between the cases. He looked upon them as perfectly similar, as completely and entirely the same. If the one was the violation of a right, the infraction of an oath, the other was quite as much so. A right was a right, and an oath was an oath, and the slightest infraction or violation of either was, to all intents and purposes, as much an infraction and a violation, as if the right had been violated, or the oath had been broken, to a much larger extent. He who robbed the poor man of his all was not more a robber, though his crime was greater, than he who committed petty larceny. The petty larceny, in the one instance, was as much an infraction of the right as the wholesale robbery in the other; and by a parity of reasoning, the abolition of one bishopric was as much a violation of the Coronation Oath—nay, even the abolition of a single dean, canon, prebendary, parson, rector, vicar, or curate, constituted as great a violation of that oath, as if they were to

abolish one-half of the Bench of Bishops at one fell swoop. The number did not signify; one abolition was as good as twenty to constitute, on the grounds stated by the noble and learned Earl, a violation of the Coronation Oath. He had called on their Lordships to look to the situation in which they would place the memory of deceased princes and statesmen, if they should adopt his noble and learned friend's interpretation of that oath. What would their Lordships say to the fact, that George the 2nd, that "most religious king," and for whom we prayed in those very words, abolished a bishopric in 1745, and another bishopric in 1752? [Lord *Wynford* was understood to say: They were two Irish bishoprics.] His noble and learned friend was right, they were two Irish bishoprics. But surely the noble and learned Lord did not mean to say, as the lady said, "the rape was the other side of St. George's Channel." Neither, he was sure, would his noble friend follow the example of another lady, to whom a similar slip had occurred, but who positively denied that she had twins. The abolition of one single bishopric, and in Ireland, was just as much a violation of the Coronation Oath as if ten Bishops had been abolished, and that, too, on this side of the Bristol Channel. Well, who were the persons that advised George 2nd, to commit this great infraction of his Coronation Oath? Lord Chancellor Hardwicke was one of those guilty ministers, and Mr. Pelham—none other than Mr. Pelham—was another of them. Mr. Pelham, on both occasions, advised, and properly advised, his sovereign to give those bishoprics *in commendam*, thus reducing four to two bishoprics in Ireland. Therefore, as regarded the memory of deceased princes and deceased Ministers, let their Lordships only reflect on the situation in which they would place them by adopting his noble and learned friend's interpretation of the Coronation Oath. If, however, his noble and learned friend had no reverence for their memories, had no respect for their characters, he surely entertained some regard for the characters and reputations of those who were Ministers, and especially of him who was Lord Chancellor of this country in 1817. He would just remind his noble and learned friend of a transaction which then occurred, and which, upon his own showing, materially affected the character of the then Lord Chancellor. Noble Lords did not, perhaps, all recollect, but many of them were old enough to recollect, what took place in 1807. A Bill was then introduced by his Majesty's Government, which was supposed to be so great an infraction of the Protestant Constitution, so dangerous to the Church as by law established, and so much a violation of the King's Coronation Oath (for all the arguments on that point were used then that were used now, but with far different success from that which he trusted awaited their use on this occasion) that the Bill was at once stopped in its progress—it was thrown out, and out with it went the Ministers who had dared to propose such a measure to their Sovereign, and from that year did the question slumber up to the year he had mentioned, 1817. [The Duke of Cumberland here corrected the noble Lord by saying "1807."] He had said 1807, but he had said 1817 too. In the latter year the noble Duke was abroad, and he was not therefore so well acquainted with what had then occurred. He had the greatest respect for the noble and illustrious Duke. No one, certainly, had been a more consistent, a more undeviating enemy of every measure of the kind, from first to last. He spoke seriously, and in no disparagement of the conduct or character of the illustrious Duke. He lamented the noble Duke's consistent opposition on that point—he lamented it as one of the principal causes of delaying the passing of that healing measure which had at length been carried, and he lamented it therefore as having been, by causing the delay, positively mischievous to the country. The noble and illustrious Duke of course knew all that occurred in 1807. On that occasion out went the Ministers who had dared to propose to Parliament a bill which was then characterized as a violation of the rights of the Protestant Church, and, above all, as a violation of the Coronation Oath. Then came 1817. The noble and illustrious Duke was not then in the country, and of course, he was not acquainted with the extraordinary fact which then occurred—but fact it nevertheless was—that the same measure which had been so hooted and scouted in 1807, the same in substance exactly, though not the same in form, was proposed by the then Ministers to Parliament, was adopted by Parliament, and that the very Lord Chancellor who had succeeded Lord Erskine, when driven

out in 1807 (his noble and learned friend who had that evening addressed their Lordships,) affixed the great seal to the measure, and advised his Sovereign to give the Royal Assent to it. Of course, he (the Lord Chancellor) did not say, that that measure was a violation of the Coronation Oath; but if this present measure violated the Coronation Oath, so had the measure thus sanctioned by his noble and learned friend; and when, therefore, his noble and learned friend charged him (the Lord Chancellor) with counselling a breach of the Coronation Oath, he would retort the charge upon him, the only difference between them being that the one was for a trifling object, the other for an important one—with this additional difference, indeed, that the one took place in 1817, while the other did not occur until 1833. He had said, that if they came to the question of strict right, any difference in amount, one way or the other, did not alter or affect the question at issue. He would maintain, then, that Parliament had, over and over again, exercised the right of legislating with respect to Church property. He cared not what was the amount with regard to which it had legislated, but if it had a right to do so in one case, it had a right to do so in others, provided the circumstances of the times necessarily required it, and that all due care was taken of existing vested interests. Parliament had not even been always so extremely careful of existing vested interests, when legislating with respect to the property of the Church. He would just mention to their Lordships one or two instances in which Parliament had exercised the right of legislating with respect to the property of the Church, in order to show that it was not a species of property that was withdrawn from the control of Parliament. The right of the clergy to tithes was as indisputable, by the law of the land, as any one other right connected with Church-property. Now, had the Legislature ever legislated with regard to it without asking the consent of the Church, further than as that consent was signified by the dignified body who represented the clergy in that House, and as it had been declared through the Representatives of the people in the other House of Parliament, in the choice of whom the clergy, as a portion of the people, had their share? Further than that the Legislature had never previously asked the consent of the Church in legislating on this subject, and it had never dealt with the right of the Church to tithes with any other consent from the clergy than that which had been asked and given to the present measure. He would just remind their Lordships of a few cases where the tithe on a particular species of commodities had been, upon public grounds, regulated by Act of Parliament. On the ground that the tithe in kind on madder, hemp, and flax had a tendency to prevent the production of those commodities, that tithe was regulated by Parliament. By a statute passed immediately after the Revolution in the reign of William 3rd, the tithe on hemp and flax was fixed at 4*s*. per acre, and no more was to be given to any one clergyman or layman. A similar course was adopted with respect to the tithe on madder, which was fixed at 5*s*. per acre, and no more. He had heard it said, indeed, that those Acts had been passed for the advantage of the Church, as the production of those articles had been prevented by the old mode of levying the tithe; but that was a most fallacious assertion, as other commodities would have been produced in their stead. He had looked into the preamble of one of those acts to discover the reasons assigned by the Legislature for passing it, and he would, by reading it to their Lordships, enable them to judge whether the advantage of the Church was to be found amongst them. The preamble commenced thus—"Whereas madder," not "whereas the Church has been injured by the falling off in the production of madder," but "whereas madder was an ingredient essentially necessary" (not for the subsistence of the clergy), but "essentially necessary in the dying and manufacture of cottons," &c. The preamble went on to recite, that as good madder could be produced in this country as on the Continent, for the encouragement of the production thereof the tithe upon it should be regulated in the manner therein prescribed. It was perfectly clear, that if the Legislature had a right in this instance, without the consent of the clergy, except as signified through either House of Parliament, to legislate as it had done, it had the same right to do so upon the present question, being precisely of the same description as if the question in the first instance had been one of the greatest magnitude. He could refer their Lordships to other in-

stances of such legislation on the part of Parliament with respect to the property of the Church, to the statutes of barren lands in England, and to the more modern instance of the Act of Agistment in Ireland. He would purposely abstain, however, from alluding further to the Act of Agistment, which was an Act passed by the Irish Parliament, as he could not understand on what principle the vote of the House of Commons in that case rested, that vote declaring the measure in question was essentially necessary for the interests of the Protestant Church and religion in that country. The instances which he had adduced of precedent and practice, proved, that they had not, in the present case, deviated in the slightest degree from the tract pursued by the Legislature upon similar questions upon former occasions; and that, in fact, the principle on which this measure was founded, was one that had been long recognized and acted upon by the Parliament of this country. He had heard it said, in the course of this three nights' debate, and, if he mistook not, by the right reverend Prelate opposite; that this was a measure of violence and spoliation, and those terms not being sufficiently strong and full of meaning to express the warmth of his feelings, the right reverend Prelate added another — namely, "robbery," and he compared those who proposed it to the highwayman who stopped the traveller with the threat, "Stand and deliver." Then, if they were guilty of such a crime for delivering up those things, of what were those guilty who delivered up two bishoprics, one in 1745, and one in 1752? — for the only difference between them was, that the one delivered up two Bishops, and that the other proposed to deliver up ten. The guilt was the same in both instances, and the amount of the robbery constituted the only difference between the two cases. But the right reverend Prelate had spoken of their plundering the property of the Church, which he described as a corporation. Now, Parliament dealt frequently, not only with the property of private individuals, but with the property of corporations. He had yet to learn, however, that the Church was, in any sense of the word, to be regarded as a corporation. The Church had not the least similitude to a Corporation,—it had not a single one of the incidents of a Corporation annexed to it; in fact, the idea of the Church was utterly incompatible with that of a corporation. But it suited the argument of the right reverend Prelate to speak of the Church as a corporation, and to rail against the justice of Parliament interfering with its property. Did the right reverend Prelate forget, that that House sometimes took upon it to deal with the property of the East-India Company, which was in reality a corporation? Had the right reverend Prelate not very long ago, too, sat in that House from day to day, and for hours each day, while an Act of Parliament was passing through it for wresting 30,000*l.* from the hands of that very Corporation, to put it into the pockets of a gentleman of the name of Murray? He could not vindicate that, but he would speak respectfully of any enactment that had been passed by the Legislature. Far be it from him to speak with disrespect of that Act which had now become the law of the land. It was true he had opposed it to the utmost of his ability, but, being now the law of the land, he was bound to treat it with deference and respect; but, though he might think that Act ever so wrong in principle, whatever blame it might deserve in his opinion, he had never contended, that the House had no right to pass it. He told their Lordships, that they ought not to pass it, but without ever contesting their right and power to agree to it if they thought fit, It was strange, then, that the right reverend Prelate, after being himself the individual to attend constantly, as the advocate and supporter of the Bill referred to,—after sitting in the House day after day upon the measure, and contributing to its success by his vote,—it was strange, nay vain, in the right reverend Prelate, to compare those who now produced a great measure of peace and conciliation for Ireland—a measure calculated above most others to promote the advantage of Church and State,—to highway robbers, because they ventured to touch what he denominated a corporation; it was doubly vain in the right reverend Prelate to attempt to fasten this charge of spoliation and robbery on Ministers, with that statute against the East-India Company, and in favour of Mr. Murray, with its red and black letters staring him in the face. He had heard it said, and with great regret, by a right reverend Prelate, whom he no longer saw in his place, but who had argued the question with his accustomed talent and learn-

ing, and with that temper and suavity which distinguished him on all occasions, —he had, with pain and regret, heard that eminent Prelate resort, in discussing this subject to such topics as these — first, the Coronation Oath, and next, the corporate capacity of the Church. On the latter point, however, not falling into the vulgar error—too gross and intolerable for far inferior reasoners—of the Church being a great corporation as a Church, both in reference to its lay and ecclesiastical members, but arguing that, as a clerical body, the Church was composed of a variety of other bodies, each partaking of the nature of a corporation, or a corporation sole in itself, and it being thus an assemblage of corporations, that it was impossible, without violating vested rights, and the privileges of property possessed by corporate bodies, to make any change or infringement upon any one of them. He admitted the foundation of the argument, which was this, that the clerical order, as distinguished from the whole body of the Church, might be considered an assemblage of corporations; but if you sanctioned the principle, that because each of those corporations was capable of holding property, the Legislature had no right to interfere in the distribution of that property, on however just, wise, or moderate a plan, then he said that there existed an anomaly in the country so gross and monstrous, that if it were recognized in its full extent, and carried to its utmost limit, he did not see how it was possible for the two bodies to co-exist—the Legislature with its supremacy, and the Church with its absolute inalienable rights and privileges, which, according to this doctrine, the Legislature had not the power to control. If it should turn out that any Archbishops or Bishops should run their lives against the leases of the see-lands, with a view to cause the revenues of the sees to amount to 100,000*l.* or 150,000*l.* a-year, which might happen in some thirty years, in the very neighbourhood of their Lordships; then, according to the principle of the right reverend Prelate, that enormous amount of revenue must continue to be enjoyed by the particular prelacies for ever; unless some tenant of the overgrown sees chose voluntarily to give it up to be dealt with by Parliament, — nay, even their consent would not be sufficient, for that, according to some noble and right reverend Lords, would be a culpable assent to an act of robbery upon the rights, and privileges and property of the sees; and the argument proved, if it proved anything at all, that an income of 150,000*l.* a-year might continue to be enjoyed by a Prelate, whilst there were 150 Parsons starving, on stipends of 30*l.* a year, in his immediate neighbourhood. An anomaly so extravagantly outrageous was not made for any age or time—certainly not for the age in which he nevertheless lamented to state that this doctrine had been somewhat late and very preposterously brought forward. Neither was that other doctrine at all adapted to the present time, which doctrine had been advanced by another Prelate, to the effect that the disparity between the Irish and English benches—the relative proportions of the two countries being considered —might be best removed and remedied, by an increase in the number of English Bishops; for to that the argument of the right reverend Prelate pointed. And it would seem from that clear, that some noble Lords thought, that when complaint was made of the disproportion between twenty-two Irish and twenty-six English Bishops, (the extent and circumstances of either country being taken into account) the true mode of adjusting the scale and remedying the disproportion, was not by cutting down the twenty-two to twelve, but by raising the twenty-six to forty. Their Lordships would be pleased to recollect, that they were living in the year 1833, not in the year 1533, from which period, nevertheless, those proportions of the right reverend Prelate seemed to be taken, by means of which he had misled the ingenuousness of the noble Lord who re-echoed his statement. The rule-of-three proportion of the right reverend Prelate the other night, was most undoubtedly derived from the year of grace, 1533, when men might talk of making forty Bishops instead of twenty, and of other matters somewhat difficult of accomplishment at the present time. No one was more thoroughly or sincerely a friend of the established Church of England and Ireland than himself, — none more convinced of the necessity of its existence, with a view to supply the essential wants of the people; none more reluctant to do any thing—nay, more resolved to do nothing, to shake its foundations, or do away with its necessary rights and privileges. But the difference between him and his opponents consisted in this, that

he was for, and they were against, adapting the Church to the feelings and opinions of men, over whom it was meant to hold sway in spiritual matters, and which feelings, if it did not reconcile to itself, its ministers must teach and preach in vain. For that cause he desired to see such salutary reforms and improvements introduced into the Church, as would render it more useful in practice, better entitled to the love and affections of the people, and more secure and permanent in its nature. Those were his opinions as to Church reform; happily they had little application to the Church in England. That there were defects in that branch of the Church, and that they would be remedied by the heads of the Church, who felt every disposition to adopt safe and effectual remedies, he was well convinced; and further, that Parliament, and the people of the land, would keep that watch over this Church which would be wholesome for its interests and welfare, he entertained a confident belief. But they were now discussing that particular part of the establishment with respect to which no man could deny that reform must be applied, if it was to continue to be useful and effective for the instruction of the people; nay, if it was much longer to exist in Ireland: and unless some such measure as the present (and no substitute had been proposed for it) were carried, unimpaired in principle, and in all its material provisions, the Irish Church must be exposed to the most imminent hazard; nay, further, he submitted that there would be an end to the security and permanency, and a speedy end to the very existence of that Church. Upon these grounds, and others of a like nature, it was, that he entertained a confident expectation that their Lordships would pass this Bill; and assuming the second reading to be agreed to, he was sure that nothing would be done in the Committee to at all cripple the efficiency of the measure. With respect to details, one or two of which had been pointed out for correction, he was satisfied, that any alterations which would leave the measure unimpaired and entire in point of efficiency, would be candidly and impartially discussed. He did not wish to go into minute matters, but if he were to give a single instance of oversight in the list of the opponents of the Bill, he might refer to what fell from a noble Duke, who objected to the admixture of Lay and Ecclesiastical Commissioners, and especially complained of the three paid Commissioners, removable at pleasure, into whose hands the noble Duke was of opinion that a great portion of the business of the Commission would necessarily fall. Now, he believed that those most experienced in the conduct and management of Boards, whether public or private, would be the readiest at once to admit, that if they did not secure the constant and regular attendance of a limited number of persons, by appointing paid members, one of two consequences, if not both in succession, must ensue. The first of these results was, that the unpaid members would neglect the business to be performed, and, more or less, give over their attendance; and, in the next place, as some one must do the business, and as there was always one paid individual—a Secretary, Registrar, or Clerk—that person would do it inadequately, certainly, and perhaps not very fairly, having none to check or control him. But the worst of the matter was, that this Secretary or other officer used the names and screened himself behind the authority of the distinguished unpaid members, and did all his little bits of business under their seeming sanction, so that the result was, business was either not done at all, or it was not satisfactorily done. For these reasons, and with a view to avoid those evils, it had been decided that there should be three Commissioners with moderate salaries. It was said, that there would be no sufficient control over the Board so constituted, but a clause remedying that defect could be introduced, if indeed there were not such a clause in the Bill already, as his noble friend near him had just intimated. The Committee would be the proper place for these details. That their Lordships should ever think of passing the second reading of the Bill, and going into Committee upon it with the intention of introducing changes that would impair its efficiency, or materially change its nature, was a supposition that he would reject with indignation if ever he heard it mentioned—with an indignation proportionate to the respect he entertained for their Lordships. Consistently with that feeling of respect, it was utterly impossible for him to believe that the House would come to a vote of a colourable and collusive nature, in mockery of the people of this kingdom, and fraught with a thousand times worse consequences

than the manly and straightforward, though he thought mistaken, course of throwing out the Bill altogether on the question of its second reading.

The Bishop of *Rochester* complained of the conduct of the noble and learned Lord on the Woolsack, who had accused him of coming down, night after night, and sitting and voting on a Bill which the noble and learned Lord pretty plainly intimated that he considered a family job. Undoubtedly he had attended during the progress of the Bill, feeling a strong interest in the case; but he had never given a vote on the occasion and it was unjust in the noble and learned Lord to accuse him of having done so.

The *Lord Chancellor* said, that he certainly was under the persuasion up to that moment that the right reverend Prelate had voted on the Bill, and probably most of their Lordships, who must have observed his incessant attendance during the progress of the measure, had fallen into a similar mistake.

The Duke of *Cumberland* said, that perhaps he ought to apologize to their Lordships for attempting to address them at that late hour of the night; but after the allusion which the noble and learned Lord on the Woolsack had made to him, he thought it absolutely incumbent upon him to stand up and boldly and manfully avow his sentiments. The noble and learned Lord had accused him of being an obstacle to the removal of public difficulties, by constantly opposing the Catholic Relief Bill. If that were a crime, he must plead guilty to it. He denied it not,—on the contrary, he boldly avowed the fact. But although he had always opposed emancipation, the moment the Relief Bill passed into a law, he bowed to the decision of the Legislature, and had never since spoken in any shape against the measure. The noble and learned Lord, knowing the present state of parties as he must, had no right to make such a charge, which could only be intended to irritate the feelings of men who had now happily forgotten that proceeding and united together. But although he did differ from his noble friend (the Duke of Wellington), and had avowed it on that occasion, the moment he found he could with honour reunite himself to his noble friend, he had been willing to obliterate the recollection of all previous differences. He was sorry if, on the present occasion, there might be an appearance of his not being exactly of the same opinion as his noble friend; but he knew the noble Duke's generous character too well to imagine that his noble friend would not think him unworthy of his friendship, were he not honestly and manfully to avow his opinion. He disapproved of the present Bill; —he looked upon it as a Spoliation Bill. When the noble and learned Lord called those individuals bigots who considered the Coronation Oath as an obstacle to the measure, he felt compelled to say, that to the maintenance of such an opinion he must again plead guilty; for he could not for the life of him see how that oath was to be got over in the present case. He had heard much upon the subject, but he could consider an oath in but one way; it was a matter between him and his God, and he could not understand the distinction as to the possibility of taking an oath in one capacity and not in another. And when it was said, that there was a difference between taking an oath in an executive and a legislative sense, he owned that he could not understand it. Their Lordships were, of course, familiar with the words of the Coronation Oath, but he hoped they would allow him to read it. The Royal Duke here read the Oath as follows :—

The Archbishop or Bishop shall say,

Will you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereto belonging, according to the statutes in Parliament agreed on, and the laws and customs of the same?

The King shall say,

I solemnly promise so to do.

Archbishop or Bishop.—Will you to your power cause law and justice, in mercy, to be executed in all your judgments?

King.—I will.

Archbishop or Bishop.—Will you, to the utmost of your power, maintain the Laws of God, the true profession of the Gospel, and the Protestant Reformed Religion established by law? And will you preserve unto the Bishops and Clergy of this realm, and to the Churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them?

King.—All this I promise to do.

After this the King, laying his hand upon the Holy Gospels, shall say—

King.—The things which I have herebefore promised, I will perform and keep. So help me God.

Now it did appear to him that if ever there was an oath which was binding, in the strict sense of the words, on the man who took it, it was this. He used the word

"man," for he put the case generally; and he would say that every man took the oath according to what he in his conscience thought it to mean, and that sense was between his God and himself. Looking at that oath, he could take it only in one way. He would not say in what way it might be taken by others. He would admit that the King could do no wrong, and that whatever his Majesty might do with respect to this oath, or to any other public matter, it would be by the advice of his responsible Ministers. What was the opinion of his Majesty on this subject he did not know, and would not pretend to say; for, upon his honour as a gentleman and a Peer, he had had no conversation whatever with his Majesty upon that question. All he would say, therefore, was, that if he had taken such an oath, he would not break it. The noble and learned Lord on the Woolsack had accused him of being one of those who had caused the rejection of the Bill for the relief of the Roman Catholics in the year 1807, under the Government of which the noble Earl (Earl Grey) formed a part. He must plead "not guilty" to that charge, but he must say, that he wished he had; for it was a course of which he should have had rather to boast than be ashamed. He certainly was favourable to the Government which followed upon the defeat of that measure, because he believed, and he would confidently appeal to their Lordships to bear him out in the assertion, that it was a Government (he meant from 1807 to 1817) which had tended more than any which had ever preceded it, to secure to this country the highest degree of respect amongst the nations of Europe and of the world. Under the Governments which had followed 1807 to the year 1817, this country had obtained those series of splendid victories by land and sea which had secured to her the respect and admiration of the world. For the reasons he had briefly stated to their Lordships, he would oppose the second reading of the Bill before the House; but should the votes of their Lordships decide upon the adoption of the principle of the Bill, it would not preclude him from attending to its details in the Committee, in order to show that there was not a shadow of an opposition between him and his noble friend (the Duke of Wellington) on the question, and he hoped that his noble friends who thought with him, would attend and assist him in watching those details. He opposed this Bill because he could not forget that he was—though a very humble individual—a member of that family which had been called to the throne of this country in support of Protestant principles. He could not, therefore, consent to a measure which in his conscience he believed would lead to the annihilation of Protestantism in Ireland. He could not but remark, in passing, that there was a great error in making a distinction between the Church of England and the Church of Ireland. Since the passing of the Act of Union there was but one Established Church—that of the united kingdoms of Great Britain and Ireland, and any measure which tended to injure that portion of the Establishment which was in Ireland, could not but be fraught with danger to the Establishment in England. On these grounds he opposed the Bill. He might, and no doubt he should, be blamed in many quarters, for the part he thus took, but he gave his vote conscientiously, and he had no objection that the public should know what he felt on this important question. He had stated his feelings and opinions openly, and he hoped fairly, and by those opinions he would stand or fall.

The Duke of *Sussex:* I should certainly not have addressed your Lordships upon this occasion, had I not been in some degree, called upon to do so by what has fallen from my illustrious relative on the other side of the House. Differing, as I do, from my illustrious relative upon most constitutional and political doctrines, I have felt myself, in an especial degree, called upon to come forward for the purpose of showing that my opinions are, as I conscientiously believe them to be, in perfect accordance with the principles which placed our family upon the Throne; as a Member of your Lordships' House and as a member of the Royal Family I thus felt called upon to come forward. To support the Protestant interest is to show the most perfect toleration to all sects, for the essence of Protestantism is the right of private judgment, and complete freedom of conscience. Amongst the excellencies of the Church of England is the comprehensiveness of its principles, its capacity for the admission of so many shades and varieties of opinion; it admits a greater number of sects than any other, and therefore toleration is its pro-

minent characteristic. I confess I cannot agree with my illustrious relative either as to his doctrines regarding the obligation of an oath, or as to the interpretation of the Coronation Oath. I do so the more decidedly when I recollect that in reading the Oath, he, my illustrious relative somehow or other rather slurred over one word "shall" in the passage "privileges as by law do and shall appertain unto them." From that passage nothing can be more evident, than that the Oath was prepared with a view to future alterations. With that proviso in the Oath, and the other party interested relieving me from the stringency of the obligation, I should not hesitate to consent to this measure, even though I had taken such an Oath. It was likewise perfectly clear, that the Oath was so drawn up for the purpose of preventing the Sovereign from dispensing with the laws without the consent and agreement of the other branches of the Legislature. I consider, that both as a man and a Christian, I should be entitled taking such an Oath, to give my consent to this measure. After what has been said on the other side by my illustrious relative, I felt bound to say thus much, and briefly to state the motives which prompt me to support this Bill, which may be summed up in these words—I support it because I think it eminently calculated to promote the tranquillity and future prosperity of the country to which it is applied.

Lord *Wynford* would crave the indulgence of their Lordships for a very short time. He certainly was not prepared to assent to the principles which had been laid down by his noble and learned friend on the Woolsack, and which, coming from such high authority, must have great weight with their Lordships. He was opposed to this Bill on principle, and would therefore vote against it; but he would beg to say a word of caution to those noble Lords who were disposed to vote for the second reading in the hope that it might be so improved in the Committee as that they could support it in its future stages. He feared, that that would turn out to be a forlorn hope. They had no reason to believe that the Bill would be so improved. It would be better, therefore, for those noble Lords who were opposed to the principle of the Bill to reject it in its present stage. One great point of the Bill to which he objected was the application of the Church-cess. This cess, in its present form, was objected to on the ground that being for the purposes of those who were of a different religion from the great majority of the payers, the payment ought rather to fall on the property of the Church than of the property of those who did not belong to the Church. But he would ask their Lordships to consider the result to which such a principle would lead. If the objection were good for anything, it would go a great deal further than those who used it intended. It would form a good ground for objecting to the payment of tithe and of several other charges which were to be applied to a religion different from those of the majority who paid them. Noble Lords who supported the transfer of this charge of Church-cess from one party to another seemed to forget that it was a charge on land, and that the party who held the land must pay it as long as he held it. As well might a rent charge be objected to, on the ground that the object to which it was to be applied was different from that which the holder of the land desired. It was said, that this Bill was necessary on the ground of expediency; but he must contend that no good ground of expediency had been stated. If Ireland could be reduced to peace and tranquillity by the sacrifice of the Church-cess, he would most willingly make it, for then there would be something gained; but, he would ask what had they hitherto gained by concession? If they gave up this to-day something more would be demanded to-morrow. Here came his first objection to the Bill. He did not dispute the right of Parliament to dispose of ecclesiastical property for ecclesiastical purposes, but he did object to taking ecclesiastical property, and applying it to lay purposes. Their Lordships had heard a good deal of the 147th clause of this Bill as the Bill was originally drawn. He wished that that clause had not been taken out of the Bill, but though it had been withdrawn, it marked the designs of the framers of the Bill. Their Lordships, he was sure, would not forget that it had been distinctly avowed in the course of the debate, that the time though it was not yet come, would soon arrive in which it would be gravely and seriously discussed whether Church property ought not to be applied to lay purposes. Their Lordships might depend upon it, that the time would come—sooner, perhaps, than even the noble Lord ex-

pected—if their Lordships should be weak enough to yield to the clamour by which it was attempted to carry this Bill, which was one of the most inquisitorial and iniquitous Bills which had ever been proposed to Parliament. He pledged himself to prove that proposition in the Committee, if this Bill unfortunately should ever get there. He complained, that the noble and learned Lord on the Woolsack had spoken of the Bishops as if they had been so many excisemen. If the noble and learned Lord were talking of the excise, he might say that there were only so many inhabitants and so many square miles in the district, and therefore it was only right to get rid of so many officers for the sake of economy. He hoped, however, that in getting rid of excise-officers the usual policy of this Administration would not be followed, by which every abolition of an office was only made the stepping-stone to the institution of three or four additional offices. He would not, however, degrade the Bench of Bishops by placing them on a level with excisemen; for though excisemen derived their profits from the State, the Bishops did not; neither the Irish nor the English Bishops derived their endowments from the State. Pious individuals had contributed to those endowments. For example the endowments of the Bishopric of Durham, and also of the Bishopric of Salisbury, did not come from the Crown, but from pious individuals, as he knew from the history of the first mentioned bishopric, and from his own professional investigation into the property of the second. What right, then had either the Crown or the Parliament to say that the endowments of Bishoprics generally, having been made in the first instance by the State, should now be placed absolutely at the disposal of the State? He said, that if Parliament acted in the spirit of justice it could not take away that which Parliament had never given. He called on the noble and learned Lord on the Woolsack to point out a single instance, in which a bishopric had been abolished, and its revenues confiscated. He would refer the noble and learned Lord to one case of that kind—namely, that of the Bishop of Westminster. There never had been but one Bishop of Westminster. He was a poor man, and a needy man, and in consequence, had assigned away the revenues of his Bishopric. It had been said that that assignment had been made by Act of Parliament, but the fact was not so; on the contrary, he had made a surrender of his revenues in 1580. The Bishoprics of Bath and Wells had been consolidated; but their revenues had not been confiscated. That consolidation, too, had not been made by Act of Parliament, but by the authority of the Crown. In these cases the property remained in the order, but in the present case the property was to be taken from the order, and was, by a shuffle, to be applied to the building and repair of Churches. In the former cases the property was preserved, in the latter it was to be destroyed and annihilated. The noble and learned Lord had referred to the judgment, in the case of Murray and the East India-Company, to prove that Parliament had interfered with a composition but that was a sort of judicial act, and the opinion of the noble and learned Lord had been contradicted by their Lordships, and also by a majority of the 658 Gentlemen who sat in the House of Commons. He perfectly concurred in the reversal of the noble and learned Lord's judgment, and the noble and learned Lord, who, unfortunately for himself, thought himself always in the right, would live long enough to see that many others of his judgments would meet with a reversal. Notwithstanding all the observations which the noble and learned Lord had made upon the construction of the Coronation Oath, he was inclined to maintain the same opinion which had already been so ably maintained by his noble and learned friend below him. There was a wide difference in the application of the Coronation Oath to the case now before their Lordships, from the application of it to the case which had occurred some years ago. The noble and learned Lord had quoted great authority in favour of his opinion; but he had equally great authority ready to quote against it. He had the authority of Lord Kenyon—a judge who had not applied his intellect to all subjects, and so comprehended none—a judge who had applied his mind to the law of his country, and who, instead of having his mind narrowed by that application, had such great powers of discrimination as enabled him to discern at a glance what was right and what was wrong on all questions. That learned Judge, in one of his letters to our late beloved and revered Sovereign George 3rd, made this observation with

respect to the Coronation Oath—that it was matter for his Majesty's own consideration whether the concession of emancipation to the Roman Catholics was likely to endanger the existing establishments of the Protestant Church by law established. He added, that if his Majesty should be of opinion, that that measure would endanger their security, his Majesty could not grant emancipation without violating his Oath; but, that, if his Majesty should form a contrary opinion, then he could grant it; for every innocent concession made to Dissenters was not to be considered as a violation of that Oath. The question in the year 1817 was simply this: whether they would admit a certain number of Roman Catholics as officers into the army and navy. Now, as the number of Roman Catholics so admitted could not be very great, his noble and learned friend was no more liable to attack upon this ground than the right reverend Prelate opposite was liable to it upon the other grounds stated by the noble and learned Lord—for his noble and learned friend had a right to say to his Majesty on the Bill of 1817, "There can be no difficulty in your Majesty passing this Bill, for there is nothing in it which is likely to endanger either the security of your Throne, or the safety of the Protestant Church Establishment." Indeed, he had no hesitation in declaring it as his opinion, that the Coronation Oath did bind the King in his legislative capacity. If he (Lord Wynford) should think that this Bill was an attack on the Church, as he did think it to be, from its abolishing ten Bishops, he should advise his Sovereign to withhold his assent from it; but if other noble Lords should be of a contrary opinion, they would be perfectly justified in advising the Sovereign to give it. The noble and learned Lord had said, that if this Bill were not the best Bill that could be devised, it still deserved the support of their Lordships, because it contained within itself the seeds of amelioration. Now, what did that language mean, when translated into plain English? Nothing more than this—that this Bill could be employed as the fulcrum for any lever which might hereafter be employed to subvert the Church Establishment of Ireland. The Coronation Oath divided itself into three parts, two of which evidently applied to the King in his executive capacity; but the third bound him in his legislative capacity. This was plain, because the two first divisions bound and specified all those functions which applied to the executive, while the third could only be interpreted as binding upon the legislative capacity, inasmuch as it enjoined his Majesty to observe the laws of God, and preserve the rights of the Church as by law established. A noble Marquess, with great ingenuity, had argued, that there must necessarily be some power on earth to release the King from this Oath. He was well satisfied, that no authority on earth could or ought to release the King from the obligation. It was a matter solely between the conscience of the Sovereign and his God; and that, in this instance, the stringent nature of it should be felt was most proper, when—as an illustrious Duke had said — the present family was called to the Throne expressly for the purpose of maintaining the Protestant religion in these realms. He entertained a great respect for the Roman Catholics; but one great objection he felt to their religion was, that it admitted a human power to release men from a sacred obligation. The noble and learned Lord then touched upon the Coronation Oaths, taken by the Sovereigns of this country from the time of Edward 3rd, downwards to the Revolution, quoting the opinion of Mr. (afterwards Lord) Somers, who wished that a degree of liberty should be left to the King, but whose opinion was overruled. He concluded by observing, that he did not mean to set himself up in opposition to the noble and learned Lord on the Woolsack, who was in the full vigour of his life and faculties, while he (Lord Wynford) was only a poor old worn-out person, who entertaining strong and honest opinions, thought it right to express them. His determination was to vote against the second reading of the Bill; but if it were carried, he should nevertheless attend the Committee, and resist the progress of the measure in its various stages.

Earl *Grey* felt himself so exhausted, which he had no doubt was also the case with the House, by a protracted attention upon three nights' debate, that he should not have again ventured to trouble their Lordships—indeed, he felt that he owed others an apology for doing so—but for the taunts and insinuations, imputing to Ministers motives in bringing forward the present Bill, not only the furthest from

their thoughts, but at variance with the most sacred obligations of religion—which had been so lavishly dealt out against him throughout the discussion. In the first place, he was anxious to set himself right with the noble Duke (of Wellington), who had charged him with having, in his opening speech attacked the noble Duke's administration with "even more than his usual asperity." Now, he persuaded himself that he at all times guarded himself against the liability to such an accusation; at least, he was anxious to do so; but if ever there was an occasion in which he had, he would venture to say, successfully avoided every expression and topic at all calculated to irritate or offend, far less to create feelings of asperity in himself or others, that was the occasion. He must, therefore, disclaim being obnoxious to the charge of asperity; and he must also disclaim having held the noble Duke's Government responsible for the consequences of that long account of delay which so unfortunately was permitted to transpire, before the passing of the great measure of justice towards their Catholic fellow-subjects. It was against the general impolicy of the delay, with its arrear of accumulated ills, and not the mere fact that the noble Duke could not hold out any longer, that his observations were directed—experience too fatally confirming his long pronounced predictions of the calamitous consequences. The noble Duke had taunted him with not having precluded the necessity of the present measure by a vigorous exertion of the power of the law against those who disturbed the peace of Ireland; but did the noble Duke so soon forget, that precisely the same taunts were flung against himself for not having, by a like vigorous exertion of the power of the law, precluded the necessity of the Catholic Relief Bill? But the noble Duke at the time, told his adversaries, that things were arrived at that pass in Ireland, that they had no choice between civil war and conceding the Catholic Relief Bill, and that he yielded to necessity in adopting concession. He (Earl Grey) had vindicated the noble Duke from the attacks then made on him, and had contended, that he was acting under a necessity, which the delay of preceding administrations had caused. When that reproach of not having used the powers of Government was made to the noble Duke, he had answered that it was difficult to deal with a resistance which was within the limits of the law. As that was the case with the noble Duke, whose vigour had been so frequently applauded, and as the circumstances were precisely the same now, it might have been expected that the noble Duke would have made allowance for those who were placed in a situation where they suffered from the same difficulties that he had formerly felt. Ministers did everything—tried every provision of the existing law—to put down insubordination in Ireland, before they proposed that measure of severity, which wrung his heart when bringing it forward, and which only imperative necessity could have forced him to—the Coercion Bill. Everything that could be done consistent with the existing law, and the spirit of the Constitution was attempted by Lord Anglesey, whom the noble Duke went out of his way, to say the least of the noble Duke's remark, ungraciously to censure, before they tried the severe measures which their Lordships had, at the commencement of the Session, sanctioned. He must say, that if those who were now so ready with their denunciations of the Irish Government, had been but half as zealous in aiding Lord Anglesey to inforce the law, as they were to excite disaffection by inflammatory harangues and violent party vituperations, of which truth was but a partial element—the existing law might have sufficed, and the Coercion Bill would never have been heard of. Great efforts had been made throughout the debate, to make it appear that the present Bill was one of those revolutionary consequences of the Reform Bill which its prophetic enemies had foretold; and a noble Earl who spoke last night, told Ministers in a tone of triumph: "Look at the fruits of your Reform Bill—here is the result of your Reformed House of Commons, those democratic masters whose bidding you must obey." Now, it might be that he (Lord Grey) was too sanguine; but looking at the past proceedings of the present House of Commons—looking at its character and general conduct, he must say, that the proceedings of the House of Commons had successfully vindicated the Reform Bill. They were told that a reformed House of Commons would be democratic, and radical, and violent, and destructive—that it would be the tyrannic master of the Ministers to whom it owed its existence. What was the fact? It was

only the other night that a noble Baron (Ellenborough), when reprimanded by his noble friend on the woolsack, for his "elaborate vituperation," replied with charging the House of Commons with being shamelessly subservient to the mere will of the Minister. How were these contradictory charges to be reconciled—that of being despotic masters and subservient slaves? But the House of Commons required no vindication; its conduct was its own eulogy: it, to the best of its ability, honestly promoted the public service generally—supporting Ministers, it was true, but solely because in doing so, it believed it discharged its duty to the country. Friends of liberty and constitutional government, it yet supported Ministers when, in the painful exercise of a solemn duty, it suspended the Constitution against disturbers of the public peace, as the best means of insuring the public safety. And never was a House of Commons more unanimous than on that occasion, voting more than 5 to 1—446 to 89—in favour of the Irish Coercion Bill; and this was the revolutionary, and democratic, and radical House of Commons! A noble Earl (Earl Vane—The Marquess of Londonderry), told him last night, that he would vote with him in favour of the present Bill, provided he (Earl Grey) bound himself to stop short there, and proceed no further with Church Reform, in the same manner as he had stated, that he would make the Reform measure final, so far as the representative system was concerned. Now, he would make no compromise with the noble Earl: at the same time that he was ready to repeat, that he ever should oppose annual Parliaments, universal suffrage, and the vote by ballot, which had been pronounced to be the unavoidable results of the Reform Bill. He would appeal to the House, whether there ever was a period when they had heard so little as during the last six months on the subject of universal suffrage, annual Parliaments, and the vote by ballot? Some persons had, it was true, endeavoured to inflame the public mind on those subjects; they were not satisfied with the Reform Bill; and he never expected that they would have been satisfied; but again he asked, had ever anything fallen upon the public ear with so little effect as all these attempts to agitate the public mind? He begged their Lordships to look back to the state of the country, at the period when the present Administration came into office. All the north of England was then disturbed by the trades unions—besides that, the political unions were agitating a variety of political questions of fearful import—there was a general spreading of discontent, and burnings were taking place all over the country. This alarming state of things was at an end, and the political unions had for the most part ceased to exist. A noble Lord had lately referred to a meeting of a political union at Newcastle, and said, that nothing could exceed the indignation and contempt which the speakers at that meeting expressed towards the Administration. That, at least, was a proof that Ministers had not favoured those bodies, and were, therefore, not favoured by them. The fact was, that the persons in question expressed themselves violently against Ministers, in proportion as they found that their schemes were defeated by the measures of salutary reform which had been introduced. He was reminded the other night, that when the Reform Bill was under discussion, he had expressed his reliance on the good sense of the people, and was asked whether the result justified his confidence. He certainly did say, that he placed reliance on the good sense of the people, interested as he knew them to be in the promotion of liberty, though they were the enemies of disorder, and he was bound to state, that his expectations had not been disappointed. Their Lordships were told that the passing of the Reform Bill would only lead to further demands; but as far as the experiment had gone, it had been completely successful, and instead of being compelled to make further concessions, they stood in a position which enabled them to offer a successful resistance to any attempts to carry wild plans of reform, which would unsettle, and perhaps overthrow, the Constitution. The danger of concession leading to fresh demands, was often urged against Catholic emancipation, from the moment of the question being introduced, up to the time when it was carried. It was the argument used by the noble Duke himself. The resistance to the just claims of the Catholics went on until the question came to a position in which the noble Duke, whose vigour a noble Earl last night praised so much, was compelled to make a kind of capitulation, and to yield to necessity what, granted in time, would have been received as a measure of conciliation

and favour. Emancipation was at length granted under circumstances which diminished the good effects that naturally would have resulted from it. The people were taught the value of combination; the long resistance of Parliament had placed in their hands a power with which they were unwilling to part; and when the question was carried, they looked out for another subject of complaint, which too readily presented itself. He disclaimed having taken up the reform of the Irish Church, and the other reforms, which, if the Government should continue, they would have to propose, under the pressure of external necessity. He considered the present reform desirable and proper, even before any symptoms of violence occurred in Ireland. If their Lordships could recollect any thing which fell from so humble an individual as himself, they would remember, that repeatedly, when the Catholic question was under discussion, he said, that he did not expect that measure to be a cure for all the evils of Ireland; but he was anxious that the question should be settled, because it operated as a bar to all improvements in that country which it was necessary to effect. He remembered, upon one occasion, asking their Lordships, whether they thought that one measure could remove all the evils resulting from a century of misrule. A right reverend Prelate, had fallen into a mistake in supposing that the present measure was intended as a sort of balance to another measure—as a boon in return for a measure of severity; but his noble and learned friend upon the Woolsack had so clearly explained that point, that it was unnecessary for him to dwell upon it. When he introduced the Coercive Bill, he stated that it was intended to restore tranquillity to Ireland; but Ministers would not do their duty if they did not avail themselves of the opportunity afforded by the re-establishment of order to endeavour to correct evils which existed. In bringing forward this measure, Ministers had nothing in view but the good of their country. If they were actuated by the base and sordid motives which were imputed to them, they would never have introduced a measure which would destroy a fruitful source of patronage. The question of expediency had been argued, and, with the explanation of the right reverend Prelate, he adopted the ground of expediency, as one on which he recommended this measure. He took the arguments of Paley, as explained by the right reverend Prelate. To the noble Duke, and the noble Lord who had stood so high on the matter of principle he should beg to direct this question—whether they were quite sure, after all, that they themselves were not acting on the ground of expediency? The point to be attained was the security of the Protestant Church—the United Church of England and Ireland. It was their duty to support that United Church —they proposed this measure because they believed it would have that effect, and the noble Duke and the noble Lord opposed the measure because they thought it dangerous to the Church to admit the principle of change. Both parties then acted on grounds of expediency—the real difference between them was, the mode in which the object that they had in common could be most surely attained. It was said, that the Churches of England and Ireland were one. It was true they were so; but did it follow that a defect in one of the branches was not to be remedied because the same defect did not exist in the other. Certainly, if that principle was to be adopted now, it would be for the first time, for hitherto it had not been acted on. A Tithe Composition Bill had been passed under the preceding administration. That Bill was applicable only to Ireland, and he believed that if it had been carried far enough things would not have come to this extremity in Ireland. He should now say a word on the evils of the Church-cess. All but the right reverend Prelate who spoke last night had admitted that it was an evil. Of that speech of four hours, he would not have complained, had it not been that three-fourths of it were made up of topics which ought never to have been introduced into the discussion [“*No, no.*”] Noble Lords might say “No;” but he reasserted the fact. The right reverend Prelate said, that he never heard of Church-cess being a grievance, or being the cause of discontent.

The Bishop of *Exeter* said, he admitted the discontent, but denied the grievance.

Earl *Grey* said, it was somewhat extraordinary the discontent should prevail without a grievance. However, he would proceed to some other points in the right reverend Prelate's address. The right reverend Prelate said, that when his right hon. friend, the late Secretary for Ireland,

entered upon that office, which he had filled with so much honour to himself and benefit to the country, he, with the wantonness of a spoiled child, cast away all the measures of Reform which had been recommended by a Committee of the House of Commons, and which he had previously advocated. He wished his right hon. friend was there to answer the right reverend Prelate himself. It happened unfortunately for the accuracy of the right reverend Prelate's statement, that the first measure which his right hon. friend brought forward, after accepting office, was a Bill for the abolition of Vestry-cess. There were nineteen measures recommended by the Committee, all of which the right reverend Prelate said had been neglected, but of which there were only four which Government had not introduced. So much for the accuracy of the right reverend Prelate. His noble and learned friend (Lord Plunkett) had exposed the right reverend Prelate's mistake in deducting 200,000*l.* for the bonus, and 264,000*l.* on account of the debt. Neither of these deductions had appeared in the statement which he had made on proposing the second reading, which was perfectly correct. It had been said, as an objection to the measure, that the see-houses would be bought up by the Roman Catholic Bishops; if there was anything in this, he should not object to a clause in the Committee to restrain the sale of see-houses, and to put an end to all fears on that head. The right reverend Prelate had said, that there had never been a revaluation of first fruits since the time of Henry 8th, of livings, which had been valued before that time.

The Bishop of *Exeter:* I said there had been no revaluation of the same benefices which had been valued by Henry 8th, in the time of James 1st, and Charles 1st.

Earl *Grey:* Exactly. Their Lordships had on their Table an opinion of the law officers of the Crown, from whence it appeared, that the archbishopric of Armagh was valued at 30*l.* in the time of Henry 8th; was retaxed in the 15th of James 1st, and rated at 400*l.*; so that it turned out not only that there had been a revaluation, but the first fruits were more than doubled. It was admitted, on all hands, that where there had been no valuation there might be a valuation, and the fact was, that one-fourth of the livings in Ireland had not been valued at all; and Parliament had an undoubted right, where there had been a valuation, to raise it to its full value. Then what became of the complaint of taxing the Church? The Church cess was the primary object to which the first fruits were to be applied, and the calculation which he had made of the sum necessary for Church cess came to within a trifle of the amount he had taken as the results of the first fruits. Then this was not to be considered as a tax to which the clergy were unfairly subjected, but a substitute for a tax that could be raised by the Crown and the authority of Parliament. He defied the right reverend Prelate to prove that, by the ancient law of the country, the clergy were not liable to the repairs of the Church. He had heard this measure called by the terms "spoliation," and "robbery;" but there was no ground for asserting that the Church was not left in the full enjoyment of the whole of its property. The property was to be transferred to the hands of Commissioners; but there was nothing in that which violated the property of the Church, or weakened any of the securities by which its right to its property was protected. The objects to which it was to be applied were the augmentation of poor livings, and the repair of glebe houses; and if there could be any object less injurious than others to the clergy, it was the affording new stimuli to the active industry of the country. Then, with respect to the reduction of the number of the Bishops, it had been said, that such a thing was never done, and that it was not in the power of Parliament to do it. He thought he had clearly shown that there was no definite number of Bishops in Ireland, which had perpetually varied, being sometimes eighteen, and sometimes forty-two; that unions of bishoprics had been made sometimes by the Pope, sometimes by the Crown; and with these examples would the noble Lord tell their Lordships, that it was not in the power of Parliament to make a new arrangement, if the interests of the country and of the Church demanded such arrangement? The argument, he thought, was quite untenable. The noble and learned Lord who preceded him alluded to the honoured name of Lord Kenyon as an instance of a man who prudently turned his attention to one subject and excelled in it, in prefer-

ence to dabbling in many and comprehending none. That certainly was a good example well worthy of imitation even by some noble Lords themselves. The noble and learned Lord (Lord Wynford), it was well known, applied himself most rigorously and assiduously to every subject that happened to present itself to the notice of their Lordships. Whether he understood them all or not—whether he understood any portion of them or not—he would, of course, in common courtesy, leave to the House to decide. But if the noble and learned Lord spoke every day, and ten times every day, he would never convince him (Earl Grey) of the impropriety or the injustice of reducing the number of bishoprics. The noble and learned Lord said, that the temporalities had never been taken away; but he well knew that, on the demise of a Bishop, the temporalities vested in the Crown, and were revested in the Bishop by what was termed a restitution. He (Earl Grey) was not quite sure that the King, instead of restitution, might not himself direct the application of Church property without an Act of Parliament. Then it was said, that, in the preamble of the Bill, the word "convenient" occurred, and it was asked to whom it was convenient? The sum saved would be 50,000*l.*, and the number of poor livings to be raised was 465, requiring the sum of 46,500*l.*; and he (Earl Grey) answered, that it was extremely convenient to these poor clergy, and extremely advantageous to the interests of the Church. Into the more general subjects of the right reverend Prelate's speech he (Earl Grey) would not enter. Their Lordships had heard extracts and letters read from Dr. Doyle, and Dr. M'Hale, and Mr. Burke, and they had had a general description of the enormities of the Catholic religion, and the disregard of an oath on the part of Catholics, and the character given by Mr. Burke, "a factious priesthood," applied as a general description to the Roman Catholic clergy. The strange, the uncalled for, observations of the right reverend Prelate (the Bishop of Exeter) on the Catholic clergy, if they did not excite his surprise, they most assuredly did his regret. Nothing could, in his view, be more reprehensible than an attempt, come from what quarter it might, to re-open old, and as he (Earl Grey) hoped, fast-fading animosities. But to what could those observations tend but to open wounds which all good men desired to see healed. For what purpose were they made?—in what spirit could they be begotten? Did the right reverend Prelate wish again to lay open the sources of so many crimes—the cause of so much suffering, as well to individuals as to the nation—did he wish again to see society disturbed by religious bickerings, and its peace once more at the control of party passion. This Bill, he asserted, had nothing whatever to do with the Catholics; and why were such inflammatory topics ever introduced into the discussion on it? It was no concession to the Catholics. He boldly averred it. It was a concession to the Church itself; in order that, in its present state of danger, it might have some chance of braving the storm. It was possible (would he could disbelieve it!)—it was unhappily possible, to find some clergymen, even in the Church of England, whose sole study, and sole care—regardless, perhaps, of higher calls, and nobler duties—was to be found in pamphleteering, or in preparing exciting speeches to trouble men's minds, and shake society to its centre. Sorry should he be to take such a man—if, indeed, there were one—as a sample of the clergy of England; to think that men of his own creed should deny an indulgence to others which they claimed for themselves. If this, however, were done, no doubt others would rush to the encounter. If a pamphlet appeared, attacking the Catholic body, there would, doubtless, soon be a rejoinder from the pen of Dr. Doyle. He should leave the intellectual combatants to their own encounter—

"Arcades ambo;
Et cantare pares, et respondere parati."

In whatever way the controversy might be conducted, he should be no party to it, but leave it to others who had more zest for such ignoble warfare. The Bill was before their Lordships, and it was for them to decide whether it was to be read a second time or not. He did hope, however, that if they concurred in the principle, there would not hereafter be found lurking any design of effecting such change as would impair its power of efficiency. It might be possible to make such alterations in it as would defeat the object its framers had in view, and cause the other House to reject it—thus producing all those dangers which so many

feared. But if this were the design—if there was really any intention of so altering it in Committee, he would, for his own part, greatly prefer its rejection on that, the second reading. He knew there were difficulties surrounding the question; but he felt there would even be less in rejecting the Bill, than in so impairing it hereafter that its own friends would blush to acknowledge it. He had been reproached by some for going too far, and by others for not going far enough. Others had said he had conciliated those on whose faith it were folly to rely. But he denied it; if he had conciliated at all, it was with no such view, and with no such parties; but merely from a sense of duty, to prevent those dangers which would be consequent on the rejection of a measure which the Commons approved, and the people had at heart. Government had been much reproached for abandoning the 147th Clause; but he believed they had been correct in so doing, for they did not depart from one principle of the Bill. If he had done this in the hope of conciliation, he should only have been miserably deceiving himself; for he doubted not he should soon have found out, that in this, as in other instances, any such attempt would have only served to excite more direct and bitter attacks against the Government of which he was a Member. For no such purpose—for no such futile and silly purpose had he altered it; but merely from a sense of duty so to frame it, as to prevent the possibility of those evils which he and others were afraid would attend its rejection. He, at least, had done everything to prevent convulsion. He knew his own situation too well to suppose he should escape, if any arose. But their Lordships, he must honestly tell them, could expect nothing else but convulsion, if they refused reasonable and necessary Reform. This he was sure of, that danger would be felt and anticipated by everybody if that House should place itself in a certain position, with a view of controlling [" *No, no!" from some noble Lord.*] He really thought it would be more proper not to interrupt, but to answer him. If their Lordships, by acting on false notions of honour and right, should attempt to control, or, in other words, should attempt to govern, independent of public opinion and of the opinion of the House of Commons, convulsion must inevitably ensue. Tranquillity was now restored in the kingdom—trade and everything were going on well; and if their Lordships would only lend themselves to the correction of acknowledged abuses, they would strengthen their own position in society—they would bless and be blessed by that society. He should calmly await the decision of that House, in the earnest hope that their Lordships would wisely consider their own honour, and the peace, interests, and happiness of their common country.

The Bishop of *Exeter*, in explanation, said, that when he alluded to revaluations, he spoke of them in the rational sense of general revaluations, and not partial revaluations produced by particular circumstances.

The Earl of *Harrowby* said, that though opposed to the Bill in many points, he would follow the example of the noble Duke (Wellington), and vote for the second reading, with the view of amending it in Committee.

Their Lordships divided—Contents—(present 104; Proxies 58) 157; Not Contents—(present 68; Proxies 30) 98—Majority 59.

Bill read a second time.

List of the CONTENTS.

PRESENT.

DUKES.	Lichfield
Sussex	Manvers
Cleveland	Morley
Grafton	Oxford
Norfolk	Ripon
Richmond	Suffolk
St. Albans	Thanet
Somerset	Wicklow
MARQUESSES.	VISCOUNTS.
Ailsa	Bolingbroke
Lansdown	Hood
Westminster	Hutchinson
EARLS.	St. Vincent
Albemarle	BARONS.
Cadogan	Alvanley
Caledon	Auckland
Camperdown	Audley
Cawdor	Barham
Charlemont	Belhaven
Clarendon	Boyle
Craven	Brougham
De Grey	Byron
Denbigh	Chaworth
Gosford	Clements
Granville	Dacre
Grey	Dinorben
Harrowby	Dorchester
Huntingdon	Ducie
Ilchester	Dunalley

Dundas
Elphinstone
Fife
Foley
Gardner
Glenlyon
Godolphin
Gower
Granard
Hawke
Hill
Holland
Howard of Effingham
Howden
Howland
Hunsden
Kenlis
Kilmarnock
Lilford
Lynedock
Melbourne
Minster
Montford
Mounteagle
Paget
Panmure
Plunkett
Poltimore
Rosebery
Rossie
Saye and Sele
Sefton
Segrave
Solway
Somerhill
Stafford
Stourton
Suffield
Sundridge
Templemore
Wellesley
Wenlock
Western
Willoughby de Eresby
Wharncliffe
Yarborough

BISHOPS.

Dublin
London
Winchester
Bath and Wells
Hereford

PROXIES.

DUKES.

Bedford
Brandon
Devonshire
Portland
Sutherland

MARQUESSES.

Anglesea
Winchester

EARLS.

Amherst
Buckinghamshire
Burlington
Carlisle
Chichester
Cowper
Durham
Essex
Ferrers
Fitzwilliam
Hillsborough
Radnor
Shrewsbury
Spencer
Stradbroke
Tankerville

VISCOUNT.

Lake

BARONS.

Carleton
Clifford
Clifton
Cloncurry
De Saumarez
Dormer
Erskine
Fingall
Grey of Groby
Howard de Walden
Lovell and Holland
Ludlow
Lyttelton
Mendip
Mostyn
Petre
Ponsonby
Ranfurly
Sherborne
Sondes
Stanley
Stuart of Castle Stuart
Vernon

BISHOPS.

Lichfield
Chester
York
Landaff
Norwich
Chichester

The following Peers went away without voting.

Duke of Wellington
Marquess of Salisbury
Earl of Haddington
Marquess of Lothian
Lord Dufferin
Lord Stuart de Rothsay
Earl of Jersey
Earl of Rosslyn
Duke of Buccleugh
Earl of Aberdeen

List of the NOT-CONTENTS.

PRESENT.

DUKES.

Cumberland
Newcastle
Buckingham

MARQUESSES.

Abercorn
Cholmondely
Ailesbury
Londonderry
Westmeath

EARLS.

Winchilsea
Sandwich
Shaftesbury
Abingdon
Aylesford
Selkirk
Orkney
Dartmouth
Guilford
Digby
Beverley
Mansfield
Longford
Limerick
Mayo
Belmore
Rosse
Charleville
Orford
Brownlow
Beauchamp
Eldon
Falmouth
Howe
Roden

VISCOUNTS.

Strathallern
Doneraile
Sidmouth
Combermere
Strangford

BISHOPS.

Canterbury
Bangor
Carlisle
Rochester
Gloucester
Exeter

BARONS.

Willoughby de Broke
Teynham
Saltoun
Hay
Boston
Douglas
Walsingham
Grantley
Kenyon
Saltersford
De Dunstanville
Rolle
Bayning
Bolton
Redesdale
Ellenborough
Arden
Meldrum
Colchester
Ormonde
Forester
Bexley
Tenterden
Wynford

PROXIES.

DUKE.

Dorset

MARQUESS.

Thomond

EARLS.

Cardigan
Poulett
Graham
Norwich
Enniskillen
O'Neil
Onslow
Clancarty
Powis

VISCOUNTS.

Lorton
Exmouth

BISHOPS.

Durham
Salisbury
Bristol
Lincoln
Oxford
St. Asaph
Clonfert
Ossory
St. David's

BARONS.

Forbes
Gage
Loftus
Sheffield
Churchill
Delamere
Wigan
Feversham

HOUSE OF COMMONS,
Friday, July 19, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. O'CONNELL, Accounts of the Sums of Money received by the Commissioners of Woods and Forests out of Ireland for the last four years: also a Return of the time at which each of the Judges of the Courts of Exchequer, King's Bench, and Common Pleas in Ireland, was promoted to the Bench, and at what time each Judge was called to the Bar: also the Sums of Money paid by each Newspaper in Ireland for Stamps during the twelvemonth preceding the 5th July, 1833, and the Sum received by each Paper from Government for Advertisements and Proclamations, &c.—On the Motion of Mr. HUME, an Account of the Salaries and Allowances paid by the Government in India for the support of Clergymen and Priests of the different Faiths at each of the Presidencies.—On the Motion of Mr. FINN, the Names and Description of the Persons employed under the Commission to inquire into the State of Municipal Corporations in England, Scotland, and Ireland.—On the Motion of Mr. HUTT, the Number of Vessels, and the Amount of Tonnage entered inwards at the Port of Hull from Foreign Parts, from 1808 to 1833, and the Ports from which such Vessels cleared, whether Foreign or British.—On the Motion of Lord SANDON, an Account from each Official Assignee of the Sums of Money in his hands under every Commission, or Fiat in Bankrupts.—On the Motion of Mr. KENNEDY, an Account, Alphabetically arranged according to Parishes and Counties, of the total Pecuniary and other Emoluments of each Clergyman of the Established Church in Scotland, in 1830, 1831, and 1832; the same of each Parochial Schoolmaster in Scotland, during the same period.

Bills. Read a second time:—Procurators Fiscal (Scotland); Sugar Carriages Act Amendment; Holyhead Road.

Petitions presented. By Mr. PINNEY, from Lyme Regis, for an Alteration in the Sale of Beer Act.—By Captain ELLIOTT, from the Woollen Yarn Spinners, against the Factories Regulation Bill.—By Mr. FRYER, from the Political Union of Kilmarnock, for Vote by Ballot.—By Mr. TOWNLEY, from the Baptists of Wisbeach, for Relief with respect to Marriages, Registration, and Church Rates.—By Mr. CUTLAR FERGUSSON, from Kirkpatrick (Durham), for Abolishing the Law of Patronage in Scotland.

EAST-INDIA COMPANY'S CHARTER.] On the Motion of Mr. Charles Grant, the House resolved itself into Committee upon the East-India Bill.

The Chairman put the 89th clause, which provides for the appointment of two Bishops, one for the Presidency of Fort St. George, and the other for the Island of Bombay.

Mr. *O'Connell* said, this was a most important part of the Bill, for it recognised what he thought was a separate Christian establishment. This was a subject on which he felt warmly, under which the whole people of Ireland were deeply interested. He must therefore trespass on the Committee while he stated his views. The hon. Baronet (Sir Robert Inglis) had given the name to it of a dominant church in India. Not a word was in the Bill, and not a word had been said by any member of the Government about a dominant Church; but as the hon. member for the University of Oxford had stated triumphantly that it would be so, he (Mr. O'Connell) would adopt the expression, and contend that no such principle should be extended to India. He hoped that the Bill would be received as the first great Charter in India, and that it would be the basis of a new order of things, after centuries of misrule, cruelty, and ignorance, and that it would be the means of the gradual introduction into that part of the world of manufactures, the arts, science, and literature. Those were the objects of the Bill; but they would be defeated if the causes of all the religious dissensions and jealousies of Europe were transported to India, and they could not have a dominant church without introducing at the same time all the rancour and hate of religious animosity and opposition. All Christians should be put upon an equal footing. The hon. and learned Member entered into a detail of the vast disproportion between the members of the Protestant Church in India, and those of the Catholic Church, and into the relative numbers of the members of the different religious persuasions in India, and said, that the object of the clause now before them was to appoint two Bishops for about 15,000 or 20,000 Protestants, while there were above half a million of Catholics, all of whom would be taxed to pay the salaries of those Bishops. At Ceylon some proofs had been given of the evils of intolerance. When Sir Alexander Johnstone, to whom he gave the utmost credit for humanity and good feeling, arrived there, he found that the efforts of the Jesuits and other Missionaries had spread the doctrines of Christianity so far, that the highest species of Budd'ism was already extinct. But when the Dutch came to govern that country, they reduced by their penal enactments the number of Catholics, from 400,000 to 60,000, and sent to Siam for a new establishment of priests to form a new dominant hierarchy of Budd'ism. He would not admit the necessity of any ascendancy or domination in religion; but called upon the hon. Gentlemen opposite to declare candidly their opinions and intentions. He did not charge them with a desire to introduce domination, but they had been so charged, and the accusation would be confirmed by their silence, if they were silent. There ought not to be a dominant church in India. The Government was

bound to look to two classes of his Majesty's subjects—to the Catholic and Presbyterian, as well as to the Protestant. It would wring the hearts of hon. Members if they could see the letters written by the poor Catholic Irish soldiers in India to their friends at home, written in a state of physical debility, and with the expectation of death from the effects of the climate. In such communications, the chief and constant complaint of the poor soldier was the want of religious consolation. If there were provision made for the Protestant, there should also be provision made for the Catholic and Presbyterian, and he would again ask to be told explicitly whether the same assistance was to be rendered to these as to the Protestant?

Mr. *Charles Grant* complimented the hon. and learned Member on the tone and temper in which he had introduced the subject. The ground upon which the alteration had been founded was the necessity for increased means of religious consolation. At present there were but one Bishop and three Archdeacons; it was proposed to increase the number of Bishops to three, and leaving the Archdeacons as they stood, with respect to numbers, to take from their incomes as much as would provide 2,500*l.* a-year for each of the two additional Bishops. This country had no right to send its subjects abroad without giving them the religious advantages they enjoyed at home, and it was bound to place within the reach of its Indian subjects the means of attaining the blessings of Christianity. In making this provision, he would unhesitatingly declare to the House that he did not like the idea of connecting domination with any church. It was with the intention of providing religious instruction for the officers who were sent to govern India, that he had proposed the Resolution. He wished to promote that high and Catholic spirit, which was founded in charity, and was averse from all thoughts of human domination. The Government would neither establish nor promote in India anything which was unfair or intolerant to any religion, meaning certainly only to do honour to the English name, and to the principles of Christianity. He certainly avowed a strong feeling in favour of the Established Church, to which he belonged; but there was nothing in that predilection which could induce him to allow its interference with any other religious belief, or to seek for that Church dominion over other churches. He knew there was a very large Roman Catholic community in India, and they deserved the particular regard and consideration of the Government, but in what mode, to what extent, and under what form their claims could best be satisfied, he was not prepared to state; it would not be difficult, he hoped, to adjust the matter when parties applied themselves fairly and sincerely to the task, and he should be happy to communicate with the hon. and learned member for the city of Dublin upon the subject, or with any other persons who took an interest in it. He thought, that without reference to religious feeling, it would be the best policy (and he knew the Catholics of India were anxious for it) that the Catholic pastors in India should be British subjects, and not foreigners.

Mr. *Wynn* remembered with feelings of pleasure the disposition manifested by the Government and the East-India Company, when he was in office, to afford every facility to the promulgation of Christianity in India, without regard to what particular sect the various parties engaged in its dissemination might belong. At the same time, he remembered, that complaints were made of the inconvenience arising from the Catholic soldiers not being able to communicate with the priests in their own language; and an inquiry was making at the period when he left the Board, for persons in Ireland and England, to undertake the mission of Roman Catholic priests in India. He trusted that they were themselves but a sect, and would participate in the feeling expressed by his lamented friend, Bishop Heber, who said it was his highest pride to be considered as placed at the head of the Christian Church in India, in order to co-operate with the members of every different sect and persuasion. He declared, in one of his letters, that one of the most satisfactory days he had passed, was when he administered ordination to a native. On that day he entertained, together, the heads of the Catholic, Presbyterian, and Arminian religions in India, who met to participate in the common feeling of satisfaction at seeing that rite of ordination administered to a native. The Bishop was the head of the Episcopal Church, and his peculiar function was, to superintend those congregations which were in community with that Church. The missionaries were not

under his jurisdiction; but they felt so much advantage in having his protection, that there was hardly a missionary, whatever his sect was, who was not willing to proceed in community with the head of the English Episcopal Church, for the great and general object of promoting the spread of the Christian religion. With respect to a provision for the Presbyterians, he did not believe any considerable difficulty could exist; at least not the same difficulty as with the Catholics; because the Presbyterians and the Episcopalians were in communion with each other, and had no repugnance to attend each other's service.

Mr. *Sheil* said, that the President of the Board of Control had admitted that he was anxious to establish his own peculiar form of Christianity in India. Let the right hon. Gentleman indulge in his predilections in his closet, but not in the Cabinet; let him adore his God in his own fashion, but not make his sectarian preferences the basis of his legislation. Paley had laid it down, that the Governor was bound to look to the religion of his people, not to his own. The right hon. Gentleman acted in direct variance with that position, and had not answered the question, whether he desired to have a dominant church in India.

Mr. *Grant* had already stated, that he did not.

Mr. *Sheil:* Then, are all religions to be established in India?

Mr. *Macaulay:* All are to be paid.

Mr. *Sheil:* Yes; but payment did not constitute establishment. In France all religions were supported, but none was established. Government would give pre-eminence by Act of Parliament to the Anglo-Indian Church, and this was done despite the advice of the East-India Company. He held in his hand the correspondence of the India Company with the Board of Control, dated July 10, 1833. The Company protested against the establishment of two more Bishoprics. It insisted that it was unjust to tax natives for the support of an establishment. He would read the following remarkable passage: — "And here, Sir, the court must call your attention to the striking fact, that the charge to India of the ecclesiastical establishment has been augmented since the institution of the see of Calcutta from 48,000*l.* to more than 100,000*l.* per annum, and that the clerical part of the pension-list has been increased from 800*l.* per annum to 5,000*l.* per annum. The Court, therefore, cannot contemplate the creation of two more sees without apprehension of financial consequences. We recognise, indeed, in your proposal, great anxiety to limit the expense; but we fear that it will be found impossible to maintain the limitation when the officers are created, and the Bishop of Calcutta shall have become a metropolitan." Thus the Company, to whom the powers of Government were to be transferred, protested against this enlargement of the hierarchy, which would end in a vast episcopal establishment. Already the expense had risen from 48,000*l.* to 100,000*l.* If one Bishop had produced this increase of expense, what would two additional Bishops effect? And if one Bishop generated two, would not the three soon produce a large episcopal progeny? The majority of native Christians were Catholic; they were 600,000 in number. How grossly unjust, then, it was to establish a costly church to which they were wholly alien! Besides the 600,000 native Catholics, there was a large body of European Catholics, especially Irish soldiers. Thus all the evils of the Irish Church Establishment were to be sown in India, and would produce the same results. Let them transplant Christianity to India, but not controversy, the weed that grew beside and killed it. In a few years a struggle would take place between the Catholic, the Calvinist, and the Protestant population, arising from the pre-eminence given to one. The hon. Member then read the following quotation from the works of the reverend Robert Hall: "Happy had it been, however, had civil establishments of religion been useless only, instead of being productive of the greatest evils. But, when Christianity is established by law, it is requisite to give the preference to some particular system; and, as the Magistrate is no better judge of religion than others, the chances are as great of his lending his sanction to the false as the true. Splendor and emolument must likewise be in some degree attached to the national Church; which are a strong inducement to its ministers to defend it, be it ever so remote from the truth. The error becomes permanent, and that set of opinions which happens to prevail when the establishment is formed, continues, in spite of superior light and improvement, to be handed down without

alteration from age to age. Turn a Christian Society into an Established Church, and it is no longer a voluntary assembly for the worship of God ; it is a powerful corporation, full of such sentiments and passions as usually distinguish those bodies —a dread of innovation, an attachment to abuses, a propensity to tyranny and oppression. Hence the convulsions that accompany religious Reform, where the truth of the opinions in question is little regarded amidst the alarm that is felt for the splendor, opulence, and power which they are the means of supporting. To this alliance of Christianity with civil power it is owing that ecclesiastical history presents a chaos of crimes, and that the progress of religious opinions, which, left to itself, had been calm and silent, may be traced in blood." Yet, in the face of all this, and the wishes of the East-India Company, they were going to establish an alien church in India, at the expense of the natives.

Lord *Althorp* reprobated the polemical line of argument adopted by the hon. Member, in the course of a debate that had been conducted with so much calmness and moderation. He wished to ask the hon. and learned member for Dublin, whether the answer of his right hon. friend to his remarks was not satisfactory to his views on the subject. Government wished to make such an arrangement as would be satisfactory to all parties, and tend to the extension of Christianity. Under the existing arrangement, the death of a Bishop left India for a very long time without any spiritual superintendence, which the present proposition would obviate. The Government had professed that they were willing, and promised to give every protection to Roman Catholics, and that promise would be kept.

Mr. *O'Connell* had been asked a question. In answer, he had to say, that the answer of the right hon. Gentleman (Mr. Charles Grant) was most satisfactory to him. Though the promise was not an official one, he had every confidence in it, when he thought of the man from whom it fell; a man, whose whole life showed, that it was impossible for him to be insincere.

Sir *Robert Inglis* said, the noble Lord, the Chancellor of the Exchequer, had requested hon. Members to return to that calmness and charity of spirit which they had testified in the earlier part of the debate. Indeed, they ought to thank the hon. and learned member for Dublin, who had set them an example on that occasion, as also his right hon. friend, the President of the India Board, who had shown a truly Christian spirit in his observations, and had never done more credit to his feelings than by the declaration which he had that night made. Differing from his right hon. friend as he did in many points, he had double pleasure in agreeing with him thus far when he recollected how much his right hon. friend in his present measures for the Church in India, was following the track of his father, (the late Mr. C. Grant) to whom, perhaps, more than to any other man who had ever been in power the cause of Indian Christianity was indebted. He (Sir Robert Inglis) had always been anxious to maintain his own Church abroad as well as at home; and, where that could not be, to support Christianity in other countries as much as possible, and he should rather see the Roman Catholic religion established in India than heathenism. But there was another class of persons calling themselves Christians, in respect to whom, as they were not before the House, he would not say how far he would or would not be instrumental in introducing their tenets as Christianity in preference to Mahomedan or Heathen worship, nor would he yield to the call of naming this sect, because he would not needlessly provoke controversy; but on the other hand he would not, if necessary, shrink from avowing his opinion on the subject more distinctly, however ripe liberalism might be in that House. It had been stated, that the Court of Directors held, that the expense of the Church Establishment had been increased from 48,000*l.* to 100,000*l.* a-year. The Court of Directors had certainly stated, that it was not known what the future expense of the Establishment might be,—not that it had thus increased in consequence of the one Bishop appointed. But, admitting the increase as stated, were we not bound to provide in India the means of glorifying the Creator by increasing his temples and by spreading Christian worship in that part of the British empire? A great number of our young men were yearly sent out to India at so early an age as still to require religious instruction to enable them to withstand the temptations to which they were daily exposed; and should not

Government provide teachers for them? A large number of surgeons for curing the wounds and ailments of the body were maintained, and should not, at the same time, a proportionate number of those be maintained, who could and were ready to cure the ailments of the soul? His right hon. friend thought, that the sum allowed for ecclesiastical purposes in India ought to be differently subdivided. The question, therefore, though worthy of being placed upon higher ground, stood now upon this—the Resolution was, that his Majesty be empowered to subdivide 10,000*l.*, the amount of allowances now made to the Bishops and Archdeacons; or in other words, to add two bishoprics to the one already existing without increasing the amount of charge on account of ecclesiastical income. When it was recollected, that Bishops of the Greek, the Roman, and the Arminian Churches were all settled in India, surely this country was called upon to make proper provision for the higher classes of our ecclesiastical functionaries, to enable them to discharge their duties in a manner becoming their situation. In the south of India, the number of converts to the Protestant religion had lately been doubled. The hon. and learned member for Dublin had referred to the condition of the people in the island of Ceylon. In their care of religion the Dutch government in that country was indeed worthy of the imitation of every Christian nation; and when the English took possession of the island, there were found, 342,000 Protestants and thirty-two churches in one province only. That circumstance ought to be remembered when any measures connected with our religious institutions were to be framed. Their first object in legislating ought to be, the promotion and extension of Christian instruction. He would not divide against the clause as amended, but would have supported it cordially as it had originally stood.

Mr. *Hume* was convinced, that the suggestion he had thrown out on a former evening to postpone this clause, ought to have been acted on. If they had done that, it was probable that fourteen of the clauses which depended on it, might at least have been dispensed with. He did not precisely understand what his hon. and learned friend (the member for Dublin) wished; but if his hon. friend wished to have Catholic priests in India to be paid by the inhabitants of India, he could not go along with him. What was that but quartering one sect of priests on the people of a different faith? That was quite contrary to the principle the hon. and learned Gentleman maintained as to Ireland. Was there any justice in making the Hindoos pay the Catholic priests? He was glad to hear the right hon. Gentleman say, that he did not like a dominant religion; but, in fact, a dominant religion was established by the Bill. They had consolation in words, but in deeds they had only causes of sorrow. The Bishops had failed in Ireland—he doubted whether they had succeeded in England; and he asked, therefore, whether it was either wise or consistent to establish Bishops in India? Could it be expected, that Bishops in India would be more useful and efficacious than Bishops had been in England? He conjured the Committee not to act on one principle in England and another in India. He thought, that they had not sufficient information to decide the question; for he believed, that there ought not to have been a Bishop established in India, at the former period of renewing the Charter. There was evidence that it was neither useful nor desirable. The Board of Directors had protested against it; and he therefore said, that the Committee was not in a condition to proceed with this part of the measure. Was there to be a Bishop in India for every thirty clergymen? The present Bishop had so little to do there, that Ceylon, where there were only Dutch Calvinists, had been added to his see, and so had New South Wales. In fact he had so little to do, that it had been proposed to extend his see to the Cape of Good Hope and the Mauritius. And all the expense of the vast Establishment was to be paid by the poor Hindoos. He did not wonder that the proprietors of India Stock remonstrated against this, for they would have no dividend unless there were surplus revenue, and every such establishment diminished the surplus. There was no surplus at present. He thought the whole of this part of the Bill ought to be struck out, as it was most unnecessary and unjust, and he should vote against these clauses.

Mr. *Charles Buller* would join his hon. friend in opposing these clauses, as it was most iniquitous to tax the Hindoos to support the Church of England.

Mr. *Cumming Bruce* maintained, that the first duty of a State was to support religion; and the best way to support religion was by endowing an Established Church. He hoped, that the Government would persevere in these clauses, and show the party of the Movement, which he considered a small minority, that everything was not to be sacrificed to them. He was not surprised at the opposition of the hon. member for Middlesex, because he had long ago heard that hon. Member say, "It was better to reign in hell than serve in heaven." As a member of the Church of Scotland, he saw in the Bill a great boon in favour of that Church.

It being three o'clock, the House resumed—the Committee to sit again.

PROCESSIONS (IRELAND).] Mr. *O'Connell*, seeing the right hon. Gentleman, the Secretary for Ireland, in his place, begged to know whether he had any objection to lay before the House copies of the correspondence that took place between the Irish Government and certain Magistrates of Enniskillen, in reference to the celebration of the 12th of July? It appeared, at least, from the newspapers, that those Magistrates were involved in the preparatory steps taken for the celebration of that anniversary. It was therefore necessary that the House should be aware of what the conduct of those Magistrates really was. Blood had been shed — and he wished to know from the right hon. Gentleman whether the Roman Catholics were involved in the transaction. No difference existed now, in the eye of the law, between Roman Catholics and Protestants; and if the former misconducted themselves, they ought to be punished with the utmost rigour.

Mr. *Littleton* had no objection to the production of the documents, but as the correspondence was still going on, he would suggest the propriety of postponing the Motion until the documents should be complete. With respect to the conduct of the Roman Catholics, under the provocation they received, he had no hesitation in stating, that nothing could be more exemplary than the conduct of the Roman Catholic population of the north of Ireland — and that, they received, on the occasion alluded to the most unjustifiable, unmanly, and unchristianlike provocation from the orangemen.

Colonel *Perceval* said, the right hon. Gentleman might have taken a lesson from the right hon. Gentleman, the Under Secretary for the Home Department, who a few minutes before declined to give any opinion in reference to a transaction that was then in course of investigation by a Jury. As an Orangeman, no person more sincerely deplored the results of the proceedings in Cavan than he did, and he must add, that if his Majesty's Government had but manifested any desire to rely upon the exertions of those who were supposed to have influence with the Orangemen, and had not, by insulting letters goaded them on, no opportunity, he was confident, would have been afforded of drawing down upon them the premature censure of the right hon. Gentleman. Before the day on which the unfortunate processions had taken place, he left nothing undone, so far as his influence as an individual could go, to prevent them from occurring—and he made no doubt, that the exertions of those to whom the Orangemen looked up, and on whom they relied, would have been effectual, were it not that the insulting letters of Sir William Gosset had goaded them on. He could not help taking that opportunity of referring to the Party Processions' Bill of last Session. It was now the law of the land, and it was his duty to carry it into effect; but the mode in which it was past was calculated to aggravate the feelings of the Orangemen. He was told by the then Secretary for Ireland, and the Solicitor General, that the Bill would not be brought before the House that Session. He would not have left London if the Secretary had not told him, that upon his shoulders must rest the responsibility of the Bill not passing that Session. The Orangemen, under these circumstances, thought they were taken unawares, and the Bill was passed in the absence of their friends. These processions, he repeated, would not have taken place, but for the insulting letters of Lord Anglesey's mouthpiece—for he had himself declared, that there was no such person as Sir William Gosset. On the application of a private individual, a Doctor O'Reilly, troops were marched into the district, though the Lord Lieutenant of the county had declared, that the police would be adequate to maintain the peace. He objected most strongly to the Government passing over the recommendation of the head of the country, the Lord Lieutenant, and attending to the

recommendation of a private individual. The hon. and gallant Member concluded by moving for copies of the correspondence alluded to.

Mr. *O'Dwyer* cautioned the House against taking the gallant Colonel as a fair specimen of the Orangemen of Ireland. If they at all resembled him, the atrocious murders which had recently been perpetrated never would have been committed. The speech of the right hon Secretary would do more to pacify Ireland than fifty Coercion Bills.

Papers ordered.

East-India Company's Charter.] Upon the Motion of Mr. Charles Grant, the House again went into Committee upon this Bill. The discussion upon clause 89 was resumed.

Mr. *Finch* supported the clause, and contended, that it was necessary for the advancement of religion that there should be an Established Church in India able to meet the increasing Christian population.

Mr. *O'Dwyer* opposed the clause, and said, that he could see no necessity for increasing the Episcopal Establishment in India. It would be moreover a precedent to extend the Church Establishment all over the British territory.

Sir *Matthew White Ridley* supported the clause. It did little more than make an alteration in the title of two clergymen, without increasing the salary of the additional Bishops.

Mr. *Ruthven* opposed the clause, at some length, and said, that it would be more fair if all denominations were placed on the same footing. He objected strongly to introducing a Church Establishment into India when this country was groaning under the weight of a Church Establishment.

Lord *Morpeth* supported the clause. He believed, that he represented a larger number of Dissenters than any other Member in that House; but though he had the greatest respect for their feelings, and though no one looked with more goodwill to the success of independent missions than he did, yet he did not think, that in supporting the present clause he was acting in opposition to the feelings and opinions of his constituents. When he compared the amount of service to be performed, and the extent of country and population over which it was spread, he did not think that three Bishops were more than sufficient to perform those duties. The change did not propose any additional expense, and he thought the maintenance of an Established Church was a matter of national concern, and of the greatest importance to the British, as well as to the Pagan, or rather Semi Pagan inhabitants of India.

Mr. *Cutlar Fergusson* said, the only question before the House was, whether the Episcopal Establishment was to be increased or not? If the question had been whether the Episcopal Establishment was to be introduced into India, he should have voted differently. Two Bishops might possibly be quite sufficient, and he did not pledge himself to the number. The Bishops who had died in India so rapidly, had not died in consequence of excessive labour in their professional duties, but in consequence of the great precariousness of human life in that climate. The consequence of this was, that during the twelve years which had elapsed since Bishops were first appointed in India, for half that time, India had been without any Bishop—an inconvenience which would have been prevented by the appointment of two Bishops. Supposing confirmation to be necessary according to the tenets of the Church of England, it was extremely desirable that there should be a Bishop at all times in India. Whether there should be two or three Bishops, he did not mean to give an opinion; but there ought to be more than one. He did not think there was any hardship in compelling the inhabitants of India to pay not only for the Government which protects them, but also for the religion of that Government. With great submission to the hon. member for the University of Oxford, he must inform him that there was no dominant religion where the British flag was hoisted abroad. In India as elsewhere, the Established Churches of England, Ireland, and that of Scotland, stood upon an equal footing. He, therefore, concurred in this clause to the extent which he had mentioned, but no further, and without holding himself bound to any of the subsequent clauses relative to the Church in India.

Colonel *Evans* did not exactly understand the logic of the hon. Member, who argued that he should not have voted for the Establishment of Episcopacy in India, but as there was already one Bishop, he

had no objection to have two more. The hon. Member had also referred to the importance of the rite of confirmation; but considering that there were only 40,000 Christians in India, he (Colonel Evans) thought it too much to subject the natives of that extensive region to such an Establishment for the sake of so small a number.

Mr. *Finn* observed, that by and by it would be said, that the present salaries were inadequate to the dignity of the Bishops. Thus the expense would be increased by degrees.

Mr. *George F. Young* said, he should not have troubled the House if it had not been for some observations of certain hon. Members. It was true that the Bishop of Calcutta, as explained in the preamble, had a most extensive jurisdiction—a jurisdiction to which his attention could not be fully extended; but after all, his jurisdiction would extend 2,000 miles from West to East, and over all that surface an European population would no doubt soon be diffused; and as the extent of surface over which the Bishops had jurisdiction was made the ground of the present change, the same ground would be equally available for a further extension of the Episcopal Establishment.

The Committee divided on the Clause—Ayes 85; Noes 47: Majority 38.

Clause agreed to.

List of the AYES.

ENGLAND.
Adams, E. H.
Althorp, Lord
Baring, F.
Barnard, E. G.
Bouverie, Captain
Buxton, T. F.
Cavendish, Lord
Collier, J.
Crawley, S.
Divett, E.
Ebrington, Viscount
Estcourt, T. G. B.
Fancourt, Major
Feilden, W.
Finch, G.
Forster, C. S.
Goring, H. D.
Graham, Sir J.
Grant, Right Hon. R.
Grey, Colonel
Grey, Sir G.
Grosvenor, Lord R.
Halcomb, J.
Howard, Hon. F. G.
Hughes, H.
Ingham, R.
Inglis, Sir R.
Jermyn, Earl
Kerry, Earl of
Lamont, Captain
Leech, J.
Lefevre, C. S.
Lyall, G.
Macaulay, T. B.
Morpeth, Viscount
Mosley, Sir O.
Mostyn, Hn. E. M. L.
Palmer, R.
Parker, J.
Parker, Sir H.
Pendarves, E. W.
Peter, W.
Petre, Hon. E.
Phillpotts, J.
Plumptre, J. P.
Pryme, G.
Ridley, Sir M. W.
Rooper, J. B.
Russell, Lord J.
Scott, Sir E. D.
Scrope, P.
Shepherd, T.
Stanley, E.
Strickland, G.
Tancred, H.
Todd, R.
Tracy, C. H.
Troubridge, Sir E.
Ward, H. G.
Wilbraham, G.
Williamson, Sir H.
Winnington, Sir T.
Wood, C.
Wynn, Right Hon. C.

SCOTLAND.
Bannerman, A.
Bruce, C. L.
Dalmeny, Lord
Ewing, J.
Ferguson, Captain
Fergusson, R. C.
Grant, Right Hon. C.
Johnston, A.
Mackenzie, J. A.
Macleod, R.
Maxwell, Sir J.
Maxwell, J.
Oliphant, L.
Sharpe, General

IRELAND.
Coote, Sir C.
Hill, Lord M.
Jephson, C. D. O.
Lefroy, Dr.
Macnamara, —

List of the NOES.

ENGLAND.
Aglionby, A.
Attwood, T.
Bewes, T.
Briggs, R.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Dykes, F. L. B.
Evans, Colonel
Ewart W.
Faithfull, G.
Fenton, J.
Fielden, J.
Gaskell, D.
Gisborne, T.
Harland, W. C.
Hawkins, J. H.
Hume, J.
James, W.
Lister, E. C.
Marsland, T.
Parrott, J.
Philips, M.
Potter, R.
Richards, J.
Romilly, J.
Romilly, E.
Scholefield, J.
Strutt, E.
Turner, W.
Warburton, H.
Wilks, J.
Young, G. F.

SCOTLAND.
Gillon, W. D.
Murray, J. A.
Oliphant, L.
Oswald, R.

IRELAND.
Bellew, R. M.
Blake, M.
Finn, W. F.
Fitzgerald, T.
Lynch, A. H.
O'Dwyer, A. C.
Ruthven, E. S.
Ruthven, E.
Talbot, J.
Vigors, N. A.
Walker, C. A.
Wallace, T.

TELLER.
Sheil, R. L.

The 104th Clause, relating to Haileybury College, was then read.

Mr. *Wynn* thought it adviseable to adjourn this clause, and to leave it open to discussion next Session, or else to refer it to a Select Committee up stairs.

Mr. *Charles Grant* objected to delay. The clause involved no principle which required such postponement. Far more important clauses had already been decided by the Committee. The present mode of appointing candidates to civil offices in India, involved the principle of competition, and it was much more advantageous that the appointments to those offices should be open to competition than the subjects of patronage.

Mr. *Cutlar Fergusson* said, the College had hitherto proved a great expense to the Company, costing not less than 10,000*l.* per annum, whilst it had not produced anything like adequate advantages. If the clause were persisted in, he should certainly take the sense of the Committee upon it.

Mr. *Macaulay* defended the present system of education at the College. At no other seminary in England could persons who were candidates for civil offices in India be properly educated. The principle of competition in opposition to patronage was that on which the clause depended, and on that he took his stand.

Mr. *Wynn* defended his proposition of referring the clause to a Select Committee. The details of the subject required much consideration. He doubted the advantages of the College and of its different professions. The students could not be controlled or restrained at Haileybury, because they could not be kept wholly out of the town, and over that the principles of the College had no jurisdiction. If the President of the Board of Control were determined to persevere in the system of competition for writerships in India, he should recommend him to assign two to the University of Oxford, two to that of Cambridge, two to that of Dublin, two to the University of London, and four to the Scotch Universities, in rotation, as the vacancies occurred.

Lord *Althorp* supported the clause. The placing of the candidates in Haileybury College, after the examination, would be a means of ascertaining the fitness of the persons to be sent out.

Mr. *Warburton* agreed that it was necessary to adopt some system of competition. The question was—whether the system proposed was the best? What would be said, if, at the University, the fellowships were to be granted at the very moment of the students entering into the College? He thought that they ought to admit the principle of competion at the time of their leaving the College, as well as at their entrance. He was sorry that the latter part of Mr. Malthus's plan had not been adopted—that of admitting a great number of young men, who were afterwards to be sent out to India. Instances were frequent of men obtaining distinction at College, and gaining fellowships, who afterwards settled down into college monks.

Mr. *Charles Grant* said, that one of the circumstances which had brought odium upon the College of Haileybury, was that the professors took upon themselves to do what was their duty, and to exercise the power of expulsion in cases of misconduct. The prize, which was snatched from the grasp of a family by the rejection of a son, was so great that the consequence was highly injurious to the reputation of the College. Young men who entered the College of Haileybury, were educated in a manner which was particularly adapted to a situation of a peculiar nature in India, so that the failure in attaining that object rendered the whole expense of money and time which had been devoted to it a complete waste. The system proposed by the hon. Member would have the same effect. He was happy to inform the hon. Member that Mr. Malthus entirely approved of the plan now proposed.

Mr. *Hume* said, that nothing which he had heard had removed his impression that it was proper to abolish the College altogether, giving at the same time every opportunity of competition, in order to secure the fittest persons to be sent out to India. Young men brought up there went out quite unfit for their situations, and at the same time imbued with such ideas of their own importance as were extremely injurious to the service.

Clause agreed to.

Colonel *Leith Hay* then proposed a clause, to the effect "That it be enacted, that of the established chaplains at each Presidency in India, two shall always be ministers of the Church of Scotland, and shall enjoy such salaries as are paid at the time to military Chaplains, provided always, the ministers of the Church of Scotland, so appointed and paid, shall have been ordained and inducted by the Presbytery of Edinburgh, according to the forms of the Church of Scotland; and that they shall be under the Ecclesiastical jurisdiction of the Presbytery of Edinburgh, with an appeal to the Provincial Synods of East Lothian and Tweedale, and the General Assembly of the Church of Scotland."

Mr. *Wynn* was of opinion, that if a Presbytery could be formed in India, it would be better than to appeal to the Presbytery in Scotland.

Mr. *Charles Grant* observed, that a sufficient number of Presbyterian clergymen could not be found for that purpose.

Mr. *Hume* said, that by this proposition,

specifically including one class of Dissenters from the Church of England, they virtually excluded all other classes of Dissenters.

Colonel *Hay* observed, that if the hon. Member really wished for the admission to India of all classes of Dissenters from the Church of England, the way to obtain the object was surely not to object to the admission of one class.

Mr. *Warburton* had the same objection to this clause as to that which he had entertained to the clause respecting the Bishops —namely, that he did not think that the Hindoos and Mahomedans should be made to pay for an establishment in which they had no interest.

The Committee divided on the question, that the Clause be inserted—Ayes 63; Noes 35: Majority 28.

The House resumed. The Report to be received.

SMALL DEBTS (SCOTLAND).] Mr. Thomas Kennedy moved the third reading of the Small Debts' (Scotland) Bill.

Mr. *Wallace* rose to state his objection to the Bill. There were two Judges of the Court; one the Sheriff, the other the Sheriff Depute; one having a moderate salary and doing a great deal of duty, the other having a high salary, and doing little or no duty. The Bill departed also from the sound principle, that Judges should be paid by the Exchequer, and not by fees. By one of the provisions of the Bill, twenty-five per cent was taken from the Sheriffs' clerks as part of the fees in question. He was against all high salaries; and if a proposition were made to reduce such salaries as those of the Lords of the Treasury, it should have his unqualified support. But the clerks in question had, in the first place, been appointed for life, and had, in the second place, purchased their situations. They had also, in many cases, been obliged to allow retiring salaries to their predecessors. Another principle of the Bill was, in effect, taking twenty-five per cent from litigants in one part of the country for the benefit of litigants in other parts. He should therefore conclude by moving, as an Amendment, that the three clauses referring to these points should be omitted.

The *Speaker:* The Amendment cannot be moved till the Bill has been read a third time.

The Bill was read a third time, and Mr. Wallace moved the omission of the three clauses.

Mr. *Thomas Kennedy* said, that the emoluments of the Sheriffs' clerks had considerably increased since the local jurisdiction was given to the Sheriffs. This was first done in 1826, and subsequently confirmed in 1830; he could not, therefore, see any reason why the emoluments of the Sheriffs' clerks should not be curtailed if Parliament thought proper. Their emoluments depended entirely upon the Statutes passed, which no one could deny the competency of the Parliament to alter or repeal. The Sheriffs were called on to discharge extra duties; and as they were not now overpaid, it was of course necessary that they should be remunerated. The extra business which would flow from this Bill would more than repay the deficiency occasioned by taxing their incomes twenty-five per cent. That taxation, be it remembered, only applying to that portion of their incomes which springs from the Local Courts' jurisdiction. Thus, in his own county, the Sheriff's clerk had an Income of 900*l.* per annum, 300*l.* of which arose from local jurisdiction; consequently he would only lose 75*l.* per annum, even if he gained no additional income. With regard to the objection to payment by fees, it should be remembered, that by adopting such a plan the Judge was only paid in proportion to the work done.

Captain *Gordon* thought it most advisable that the hon. and learned Gentleman should postpone his Bill till the Commission now sitting to inquire into this subject should make their report. He would not support the Amendment, neither could he agree to the proposal for taking away twenty-five per cent from the salaries of the clerks of the Courts.

Mr. *Hume* thought, that if the Sheriffs' clerks were overpaid, the better plan would be to reduce the fees, and then the public would gain the advantage.

Mr. *Stewart Mackenzie* approved of the principle of the Bill, but thought some of the details very objectionable. In Inverness-shire and Ross-shire he knew it would operate injuriously. The reduction of emoluments of the Sheriffs' clerks would in many cases, prevent respectable and intelligent gentlemen from undertaking such situations.

Mr. *Cutlar Fergusson* said, that the fees of the Sheriffs' Court were already

lower than those of any other Court. The summons cost 6*d.* only, and the decree no more. The Sheriffs' Court in Scotland might be made the best in the world; it would, however, be much better that causes should be heard by the Sheriff himself in the first instance. No one could grudge the Sheriff the emoluments he received.

Mr. *Murray* defended the Bill. The emoluments of the Sheriffs' clerks were raised very high by the local jurisdiction, and he saw no reason why they should not contribute towards the expense of the system from which they derived so much advantage. As their fees were small, it was better to apply a certain portion of them for the public benefit than to reduce them.

Sir *John Hay* inquired whether the per centage were to be taken solely on the additional fees derived from this Bill? He thought the Bill should be deferred till the Commissioners, one of whom was a Sheriff, had made their report.

Mr. *Thomas Kennedy* said, that the per centage would be taken only on the emoluments derived from the local jurisdiction. As to the Commission, the Local Court system was known to be so highly advantageous, that the better plan would be to pass this measure, and give the Commissioners an opportunity of judging of the manner in which the Bill worked. The hon. member for Ross-shire had been made the victim of a clamour raised by the Sheriffs' clerks, by no means creditable to them. Amongst others who had sent letters of complaint, as though he were an injured man, was a gentleman residing in Edinburgh, and who derived an income of 1,000*l.* a-year from a place which did not give him the slightest labour.

Bill passed.

HOUSE OF LORDS,
Monday, July 22, 1833.

MINUTES.] Bill. Read a second time:—Dwelling House Robbery.

Petitions presented. By Lord CARBERY, from the Clergy of St. Macartin, Clogher, against part of the Irish Church Bill.—By the Earl of ROSEBERY, from Edinburgh and Stirling, against the Royal Burgh (Scotland) Bill.—By the Duke of CLEVELAND, from the Overseers and Select Vestry of South Shields, in favour of the Sea-Apprentices Bill.

BREAKING INTO DWELLING-HOUSES.] Lord *Suffield* rose to move the second reading of the Bill for abolishing the punishment of death for house-breaking. In doing so, his Lordship stated, that he had several alterations to make in the Bill, which would make it more efficient without departing from the views of the authors of the Bill. They would only extend the principle. He had understood, that there would be no opposition to the Bill in this stage, and he, therefore, would not, at present, trouble their Lordships with any observations. He would only observe, in order to set the principle of the Bill in a clear light, that it was intended to abolish the punishment of death for house-breaking, the law ordaining which, might almost be said to have fallen into desuetude. In 1826 and 1827 there was only one execution for house-breaking, and of those tried for that crime, fifteen per cent were acquitted. To show the effect of the punishment, he would remark, that in the years 1828, 1829, and 1830, there was a change in the policy. It was thought fit to carry the law into more rigorous execution, and in those years twenty-seven persons were executed, but what was the consequence? Why, in the three years following, more than thirty per cent were acquitted. In 1831, the policy again changed. Of 517 persons convicted of the offence, only one was executed. In 1832, 583 persons were convicted, and nine were executed. He would further observe, in a recommendation of the Bill, that it had been amply discussed in the other House; but there had been no division upon it, and, therefore, it might be said, to have been sent up to their Lordships' House by the unanimous concurrence of the other House.

Lord *Wynford* had certainly given the noble Lord to understand, that he would not oppose the second reading; but he did not expect, that the noble Lord would take that opportunity to prejudice the House by making a long statement. He certainly should not oppose the second reading of the Bill, but he must set the noble Lord right as to this punishment. The Reformers of the law had purposely left the punishment of death attached to the offences of burglary and stealing in a dwelling house, and the reason was this:—as soon as there was light enough to see a man's face, the breaking ceased to be burglary; but between day-light and people rising to their business, there elapsed, at one period of the year, a great

many hours; and it was to give honest and industrious men a full and effective security during these hours that the punishment of death was left attached to stealing in dwelling-houses. It was never intended that it should be at all times carried into execution, but it was intended that it should be a full security to all against the offence.

The Bill read a second time.

BLOCKADE OF LISBON.] The Marquess of *Londonderry* said, he rose with considerable embarrassment to submit to their Lordships the Motion of which he had given notice on a former occasion, after what had fallen from the noble Earl. It did, however, appear to him, in consequence of what had occurred on previous evenings, that the noble Earl laboured under a perfect want of information with respect to the notification which had been sent to Lloyd's from the Foreign Office. When he first mentioned the subject of the capture of the Portuguese fleet, he was merely referred to the public journals, as containing all the information which Government possessed on the subject. That was on the 15th of July; but when he saw the notification from the Foreign Office, dated on the very same day, and which appeared in the papers of the 16th, he came down on the following evening, to procure, if possible, some explanation on that point, to learn on what information that notice was founded. The first answer he received across the Table was, that the papers should be given; but the noble Duke (Duke of Wellington) behind him having stated his impression of the effect which this extraordinary proceeding would produce, the noble Earl was put on the *qui vive*, and then he asked for a little time to consider of the matter; and now, when he was prepared to state the reasons which induced him to call for these documents, he was told, that the papers which he had demanded should be accorded to him. He would not, as that was the case, state what he meant to do hereafter, until he saw those papers. There might be grounds to justify the Foreign Office in taking such a step, and he wished to be made acquainted with them; but he thought, that the whole was a fabrication got up in this country; and he believed, that up to the present moment no official documents had been received from Oporto on the subject; that no indication, in an official shape, of any intention of Don Pedro to order the blockade of the Portuguese ports had been received here. He believed, that no notice of such an intention had been received from abroad by the agent at Lloyd's. No intimation of any such intention was to be met with in the *Oporto Chronica*. The question which he wished to put to the noble Earl, and which he did not think the noble Earl would be able to answer, was, whether any notification had been received from the Consul at Oporto as to this intended blockade? He had caused application to be made at Lloyd's within a few days as to whether any official communication had been received by the Committee from Oporto on this subject?—whether any statements derived from a known and official source had reached them?—and whether there was any well-founded statement on the subject in the *Oporto Chronica?* The answer he received from Lloyd's was, simply, "That the notice from the Foreign Office was considered to be most effective." Now, that notice he believed to have been concocted at the Foreign Office between that office itself and M. Lima. He had deemed it to be his duty to call their Lordships' attention to these points, reserving himself, when the documents which the noble Earl had promised were laid before their Lordships, to take such a course as the information contained in them would warrant. As to a blockade of the Portuguese ports, he knew not how it could be effected by Don Pedro, when it was recollected, that from Cape St. Vincent to Viana there were twelve ports, and an extent of coast of 400 or 500 miles. The noble Earl had pronounced several panegyrics on the conduct of the House of Commons, but he questioned, whether, in the end, the noble Earl would be thanked for what he had done, or for the course which he had pursued. Notwithstanding all the noble Earl's eloquence, and all his powers of oratory, yet much of what he addressed to the House might be described in the manner in which he had described the speech of the noble Duke (Duke of Buckingham) near him, as something of "sound and fury," or as the noble Secretary of State had observed of a speech of a noble friend of his, as something "perfectly childish;" perhaps that might not be considered sufficiently classical, and he would use the word "puerile." The noble Marquess concluded

by moving for "copies of all papers received at the Foreign Office before the 15th inst. which come from a competent authority, and which have induced his Majesty's Secretary of State for Foreign Affairs to issue a letter to the Committee of Lloyd's, announcing the blockade of the Portuguese ports."

Earl *Grey* would not enter into any discussion on the different points introduced by the noble Earl. He was most anxious that the papers should be laid before their Lordships; and he should be ready hereafter to answer any objections that might be urged against the course which his Majesty's Government had taken.

Motion agreed to.

THELLUSSON'S ESTATE.] The Lord Chancellor moved the third reading of the Thellusson's Estate Bill.

The Earl of *Harrowby* opposed the Bill. The testator's will had been objected to, on the ground, that it carried the principle of entail to a greater extent than was ever before known. The will was, however, maintained; but on public grounds the Legislature passed an Act, declaring, that such a disposition of property should never be allowed again. That Act had, he thought put an end to all further interference in this case; but they were now called upon to interfere with it again in defiance of a decision in equity, and in defiance of an Act by which the disposition of the testator's property was recognized. It was alleged, that the trustees had mismanaged the funds; but, if that were so, they might be checked by the intervention of the Court of Chancery. Unless their Lordships were prepared to say, that they would interfere in all cases of hardship, in respect to the disposition of property by will, they could not interfere in this instance. It was said, that this proceeding could not be drawn into a precedent. That was a complete fallacy. There were many cases of equal hardship to which this precedent might be made to apply; for example, to a case where a single generation was shut out from the enjoyment of property. As long as individuals were allowed by law to dispose of their estates as they pleased, it was pregnant with very great danger to the whole property of the country that such a precedent should be established as would be the result of passing this Bill. It was brought in, too, by an infraction of those standing orders which were intended for the protection of private property. Under all these circumstances, he felt it to be his duty to give his negative to the Bill.

The Earl of *Eldon* said, it was impossible to assert that the testator had no right to make this will. When the case was before Chancery, he believed, there was not a man in the Court who did not wish, if possible, to set the will aside; but it was felt imperatively necessary to support the established doctrines respecting the disposition of property according to law. The course which was then taken was the right course. To suppose, that no case of this nature existed except that which referred to the Thellusson family, was a mistake. Wills of a similar nature, and which were now in operation, had been drawn up before the passing of Lord Loughborough's Act. He begged to ask, how were their Lordships to proceed, if, after passing the present Bill, the wills of those testators to whom he was now alluding should be brought before them in the next Session of Parliament? Could they do otherwise than disturb those wills, which were, perhaps, equally hard, but which were made in accordance with the law of the country, after they had passed the present Bill. The security of property devised by testament, the wills of testators, having been held inviolable for ages, formed one of the most important parts of the legal system of this country. The present measure would invade that security and that inviolability, and, therefore, he thought the attempt ought to be repelled.

Lord *Wharncliffe* said, there was, in his opinion, great irregularity in suspending the standing orders, and pressing forward a Bill of this nature, against which there were so many and such serious objections. The expense of the management of the whole trust was very great, but there was no evidence before the Committee upon which a charge could be founded against the trustees for having abused their powers in the management of the estate. No greater expense had been incurred than was authorized by the Court of Chancery. He defied the noble Lord on the Woolsack, or any other noble Lord, to say, that the trustees had done any thing with regard to the management of the estate without the consent of the Court of Chancery having been previously obtained. In his opinion, the Bill, instead

of diminishing, would have the effect of increasing and perpetuating the expenses of managing the estate. It was under these circumstances he refused to give the Bill his consent. It was establishing a precedent which, he believed, their Lordships and the country would have cause to rue. It would hold forth the incitement for application after application on similar grounds, and he saw no probable result but detriment or ruin to private property. He would divide against the third reading, if any other noble Lord would divide with him.

The *Lord Chancellor* denied that the Bill had been introduced, as had been said, altogether from motives of compassion. The motive of compassion would not be sufficient to direct the course of legislation on private affairs from the ordinary channel. But the present was a question of justice, and intended to allow the provisions of the testator's will to take the effect he contemplated, and not to benefit parties he never meant to benefit. He (the Lord Chancellor) had not the slightest interest in the question other than forwarding this object. He was acquainted with no member of the Thellusson family personally, and his only motive in supporting the measure was, the conviction he had come to of the justice of the case, in the course of the fulfilment of his official duties in the Court of Chancery. His noble friend who had preceded him on the woolsack, had arrived at a similar conclusion. He did not admit the validity of the objection on the score of the measure being drawn into a precedent. It stood on its own peculiar grounds, and was not likely to be drawn into a precedent; but whenever any case could be shown to have, as it were, an identity with the present, then the extension of the law to it might reasonably be called for. Such cases, however, were not of likely occurrence. The jurisdiction of the Court of Chancery extended to intakings as well as outlays; and in recommending the present Bill, he believed he was furthering the object of the testator, which was accumulation.

Their Lordships divided: Contents 87; Not-contents 20—Majority 67.

Bill read a third time and passed.

CHURCH TEMPORALITIES' (IRELAND).] Their Lordships resolved themselves into a Committee on the Church Temporalities' (Ireland) Bill.

On the second Clause, relative to the Ecclesiastical Commissioners to be appointed being read,

The Duke of *Wellington* said, that he believed that the duty which it was proposed should be performed by the Commissioners had been well performed by the Board of First Fruits, and he should have been glad if it had been left with them. But as the business to be performed would be much increased, and no part of the measure could, in the first instance, be carried on without the interference of Government, he did not mean to move that it should be left in their hands. He would propose, however, that one of the Civil Commissioners should be named by the heads of the Church, namely, by the Lord Primate and the Archbishop of Dublin. This clause, he thought, had evidently been drawn with a view to the passing of the 147th clause, and although that clause was struck out, much remained in the Bill which had been intended to apply to that clause. He thought it but fair that those, whose property was to be sold, in order that the purposes of the measure should be carried into execution, should know something of what was going on. He, therefore, moved, that an addition be made to this clause, by which two of the Commissioners should be appointed by the King in Council, and the other by the Lord Primate and the Archbishop of Dublin, or under their hands and seals.

Earl *Grey* did not see any necessity for the Amendment; but if the House considered that it would be any additional security for the better performance of the duty of the Commissioners, he would not oppose it.

The Bishop of *London* agreed in the opinion of the noble Earl (Grey) in feeling no objection to the noble Duke's proposition, but at the same time he would have been better pleased had the number been two, instead of three, "proper and discreet persons." Two would be sufficient for the business, and the expense on the fund would be less.

The *Lord Chancellor* thought, on the contrary, that three persons were preferable to two, on account of the work which was to be done in carrying into effect, in the first instance, some of the provisions of the Bill; if, however, in the course of three years, any vacancy should occur, it might be left open.

The Bishop of *London* said, that his sole object in making the suggestion was to diminish the expense. He spoke from experience, having been for nine years on the commission for building churches; and though the attendance had been but very limited, yet he believed the business had been done as well as it could be, notwithstanding all that had been said on the subject.

Amendment agreed to.

On the question, that the Clause stand part of the Bill,

The Earl of *Wicklow* thought, that the noble Earl who had introduced the Bill, would give considerable satisfaction to the public, if the four Bishops, who by the clause were to constitute a component part of the Board, were either elected, or should come in *ex officio* in rotation. He would beg leave to move an amendment to that effect.

Lord *Wynford* thought, that the proposition of his noble friend would tend to remove the principal objections raised to the Bill. He was of opinion, that the appointment of the Ecclesiastical Commissioners should be in the bench of Bishops, and by this means the Board would be more independent, and would be less objectionable. He was not prepared at the present stage to move an Amendment he had contemplated, the object of which was to get rid of the proposed Commission, and to substitute another, which would place the affairs of the Church in the hands of the Church. If the Bill passed with the clause as it stood, every individual in the Church of Ireland, from the Archbishop of Armagh down to the very sexton of a parish, and even the tenants upon Church lands, would be under the influence of the Crown. This was an objection he should be very happy to see remedied. If four Bishops and one lay Commissioner were appointed by the Church, such an influence would be created in the Board as would protect the interests of the Church apart from the Crown.

Earl *Grey* expressed his readiness and wish to attend to any suggestion calculated to remove any objections, and to make the Bill satisfactory to all parties; but at the same time he could not but object to the Amendment of the noble Earl. Neither could he acquiesce in what had fallen from the noble and learned Lord opposite, namely, that the proposed Board would bring the Church under the influence and control of the Crown. He hoped, the Amendment would not be persevered in, and particularly as he was prepared to move an Amendment on the next clause, by which the only removable Commissioners would be the Chancellor, and the three lay Commissioners, at the will of the Crown.

The Earl of *Harrowby* was of opinion, that two of the Bishops appointed to the Board of Commissioners should be elected by the bench of Bishops, and two should be appointed by the Crown.

The Archbishop of *Canterbury* had not the least doubt that the Commissioners would be elected with impartiality, yet he considered that it would be desirable that all the Bishops left to Ireland under this Bill should form a portion of the Board. Such was the case with the Board of First Fruits in this country; and he had never heard of the business being badly conducted. The result would be that all the Bishops who were not prevented from ill-health or other causes would attend, and there would necessarily be always an attendance fully qualified to take charge of the business. If it should not be judged expedient that all the Bishops should be members of the Board, yet the Church ought to be more fully represented than was proposed, and he was, consequently, of opinion that it was not too much to ask that the Board should be selected by the Bishops of Ireland. With every desire to meet the conciliatory disposition manifested by the noble Earl (Earl Grey) that evening, he could not but think the proposition of the noble Earl opposite (the Earl of Harrowby) was very fair, and one to which no objection could be made.

The *Lord Chancellor* did not see so much objection to the proposition of the most reverend Prelate, as he did to that of the noble Earl. He could not conceive any worse arrangement than that two of the Board should be chosen in one way, and two others should be selected by the bench of Bishops, for it would imply unlimited confidence in the Crown as to one party, and excite distrust and jealousy in the other; and it might occur that the party rejected by the one authority might be elected by the other. Another great objection he had was the calling the Bishops together more than necessary for the purposes of elections.

The Duke of *Cumberland* had understood the most reverend Prelate to suggest

that all the Bishops of Ireland should be on the Board. If so, he was of opinion that the country would be satisfied.

The Bishop of *London* must remind their Lordships, that the Crown had already the appointment of all the Bishops who might ultimately sit on the Board.

Earl *Grey* said, that he considered that four Bishops would be quite sufficient to answer the preponderance desired, but he apprehended that it was now too late to move any of the Amendments suggested, for the portion of the clause to which the Amendment applied was anterior to that upon which the noble Duke (Wellington) had moved his Amendment which was adopted. Therefore the noble Earl (Wicklow) could not move his Amendment, according to the rules, until the bringing up of the Report.

The Earl of *Wicklow* regretted, that the courtesy usual in the House should not have been extended to himself—a courtesy which he had never before been refused. He had, on a former occasion, stated his approbation of the principle of the Bill, and his determination to support it, and therefore he might fairly say he was not actuated by a factious opposition to the measure, when he had submitted his Amendment; which, if refused to be considered now, he should certainly move on the bringing up of the Report. He hoped the noble Earl opposite would withdraw his opposition, raised as to a point of form.

Earl *Grey* repeated, that it was most inconvenient, after a clause had been gone through, to go back and enter upon new amendments. With respect to the Amendment, he must say he should object to any alteration in the manner in which the Board of Commissioners was to be appointed; but if the noble Earl wished to persevere in his Motion, he should not object in point of form.

The Earl of *Wicklow* moved his Amendment on the clause, to the effect that the appointment and election of the four Bishops to the Board of Commissioners should be in the Bench of Irish Bishops generally.

The Marquess of *Clanricarde* objected to the Amendment, because it would place the appointment of the Commissioners in irresponsible hands. The Government were responsible to Parliament; but if the Bishops should make improper appointments, there would be no remedy.

The Bishop of *London* said, that whether the Amendment was good or bad, he would not undertake to say, but he was sure the Bishops were quite as responsible as the Ministers.

The *Lord Chancellor* said, that the noble Marquess (Marquess Clanricarde) had taken a very sound view of the question. He fully concurred with him, that the power of appointing Commissioners should be exercised by the Crown, subject to the control of Parliament. He also objected to the Amendment, because it would confer an elective power on the Bishops, which they had never before possessed, either in England or in Ireland. The principle of election was avoided in the manner in which the right reverend Prelates entered that House, where they came in by rotation. He certainly should not have agreed to the former Amendment proposed by the noble Duke, if he had known that the present Amendment was afterwards to be proposed; and he might mention this as a proof of the inconvenience and danger which resulted from departing from the rules of the House. Out of the eleven Commissioners, seven would not be removable by the Crown; and he therefore thought, that the Commissioners were sufficiently independent of the Government.

The Marquess of *Bute* would support the Amendment, because it would tend to reconcile the Church to the Bill.

The Marquess of *Lansdown* said, that the Amendment implied an opinion that the Bishops would consider one set of persons the fittest to act as Commissioners, and the Crown another. If the Amendment should be agreed to, the Bishops would have the power of appointing four of their body to act as Commissioners, and by the next clause, the Crown would have the power of removing them, and thus practically putting a veto on their election. He trusted that their Lordships would maintain the unity of principle so essential to the Bill, by leaving the selection of the Commissioners to the Crown.

Lord *Wynford* denied, that the Amendment implied any suspicion that the Crown would appoint improper persons to act as Commissioners. The ground on which he would vote for the Amendment was, that the business to be done was the business of the Church, and there was no ground for the intervention of the Crown in the matter.

Earl *Grey* said, he could not understand on what principle the Amendment was proposed, if it were not to avert some danger which was apprehended from the appointment of improper persons. He was surprised to hear it said, that the Bishops were as responsible as the Ministers for the persons they might appoint. They certainly would have to answer to God and their consciences, but they were not responsible in a legal and political sense, as Ministers were. If the principle laid down by the noble and learned Lord (Wynford) were pushed to the full extent, it would give the Bishops the right of appointing one another to their bishoprics. He would meet the Amendment with a decided negative if it were pressed to a division. He certainly wished to give satisfaction to the Church, but he did not think that the Church had any ground for dissatisfaction as to the manner it was at present proposed to constitute the Board.

The Earl of *Wicklow* said, that though nominally, the power of appointing the Commissioners would be vested in the Crown, the clergy of Ireland could not forget who were Ministers. He did not mean to say so invidiously, but it was certain that the Ministers were not popular with the clergy of Ireland. For his own part he had no doubt that Ministers would exercise the powers given them by the Bill properly, and he proposed the Amendment merely to satisfy the Irish Church.

The Bishop of *London* said, that the speech which the noble Earl had just delivered, had determined him to vote for the clause as it stood.

The *Lord Chancellor:* I am nothing surprised at the right reverend Prelate's declaration. The noble Earl, for which I return him my hearty thanks, has put the question on what he doubtless thinks right grounds, and we shall now come to a vote upon the Amendment as a vote of distrust in the Ministers.

The Earl of *Wicklow* totally disclaimed the noble and learned Lord's assertions; he denied it in the strongest language he could use consistently with the forms of the House. Nothing which he had said could fairly bear the interpretation which the noble and learned Lord put upon it. From the first moment he had addressed their Lordships on the subject, he had expressed the same opinion, and in nearly the same words. He had stated, that he did not believe the power proposed to be intrusted to Government would be misused, but he was anxious to remove an impression of a contrary nature from the minds of the clergy. If the right reverend Prelate had attended to what he had said, he would not have had occasion to make a speech at one time in favour of his Amendment, and at another time against it. The right reverend Prelate's reasons for the part he had acted were best known to himself, but it did appear strange, that, after having approved of the Amendment, he should, when he found Ministers united in opposing it, declare against it.

The Bishop of *London* had never expressed a favourable opinion of the Amendment, although he allowed that he was inclined to approve of it. He had, however, made up his mind from the beginning, not to vote for any Amendment that did not involve a great principle, if the carrying of it were likely to create difficulty. He considered the Bill as a great constitutional measure, without reference to this Ministry or that Ministry, and he would not consent to vote for the Amendment merely on the ground that the clergy of Ireland did not repose confidence in the Ministers.

The Earl of *Suffolk* said, there could be no doubt that the House was now called upon to come to a vote of distrust in Ministers after the declaration of the noble Earl.

Amendment negatived, and Clause agreed to.

On the fifteenth Clause being put,

Viscount *Gage* rose to propose an Amendment, which should subject all Church property in the hands of lay impropriators to the same taxes as Church property in the hands of churchmen. He put it to their Lordships' candour, whether it was proper to place a tax on those who worked, and exempt those who did not work? He was himself a holder of almost every species of Church property, and he made this proposition, looking to the application of the same principle to Church property in England. He thought all tithes in the hands of lay impropriators should be subject to the proposed tax.

The *Lord Chancellor* regretted the necessity of being obliged to oppose the Amendment moved by the noble Lord. He was sure that nothing could be more fair than the feeling which prompted the

noble Lord's observations, but he (the Lord Chancellor) must object to the terms he had made use of. It was but just to suppose that many lay impropriators had given a full and valuable consideration for the tithes which they held. Unless, therefore, they wished to commit the grossest injustice towards those who had fairly come by this property, it would be necessary to appoint a Commission to inquire into the manner in which the ancestors of all lay tithe impropriators had become possessed of the property of this description which they held. He need not explain to their Lordships, that such a proceeding would be productive of the greatest hardship and inconvenience, and he might, perhaps, add, injustice; and on this account he felt bound to oppose the Amendment. He must also object to the terms applied by the noble Lord to persons holding property of this description —namely, that they were fattening on the property which of right belonged to the Church. Unless it were shown, that those lay impropriators had become unfairly possessed of this property, they had as much right to it as any noble Lord there had to that freehold property which he or his ancestors had obtained by fair purchase.

The Bishop of *Exeter* regretted, that the Bill had not originated in this House, as their Lordships would not then be prevented from fully discussing those parts of it which more particularly partook of the nature of taxation—at least they might have discussed them more at liberty. He rejoiced, that his noble friend had brought forward this Amendment, and he thought it would be injustice if their Lordships did not agree to it. It was most unfair to make such a partial distinction as was made by this clause between lay and ecclesiastical impropriators, especially when their Lordships considered the very great distress under which a great portion of the Irish clergy were at present labouring. He knew several instances, especially in Ireland, where a lay impropriator possessed the tithes of a whole parish, out of which he did not contribute a penny to the support of that religion, to support which those tithes had been originally appropriated. It was most unjust to secure the payment of the whole of those tithes to the lay impropriator, while so great a deduction was made from the property of those which were really appropriated to the service of the Church. He felt grateful to the noble Lord for bringing forward this Amendment; he hoped their Lordships would not lose sight of the principle it contained, as if they did, they would be losing sight of justice.

Amendment negatived. Clause agreed to.

The Clauses to the nineteenth were agreed to, when the House resumed. The Committee to sit again.

HOUSE OF COMMONS,
Monday, July 22, 1833.

MINUTES.] Papers ordered. On the Motion of Colonel EVANS, the Number of Houses unoccupied in the different Parishes of Westminster.—On the Motion of Sir EDWARD CODRINGTON, a Copy of the various Returns made to the Admiralty relative to the Battle of Navarino.—On the Motion of Mr. CHETWYND, the Number of 10*l.* Houses in the Borough of Stafford, within the present Boundary, and the same in the Parishes of Castlechurch, and St. Mary's, Stafford, which are not included in the present Boundary of the Borough.—On the Motion of Sir JAMES GRAHAM, an Account from all Parishes in England and Wales, of the Amount of Poor and County Rates levied in the year ending May 25th, 1833, and how, and by whom Expended: also the Accounts of the Surveyors of Highways in each Parish.

Bills. Read a third time:—Dean Forest Boundaries.—Read a second time:—Hyde Small Debts.

Petitions presented. By Mr. WILKS, from Stepney College, and from a Protestant Congregation at Liverpool, for Relief to the Dissenters from the Grievances with respect to Marriages, Registration, and Church Rates.—By Mr. INGHAM, from the Churchwardens of Westoe, in favour of the Rating of Tenements Bill; from the Merchant Seamen of South Shields, to be relieved from the Contributions of Sixpence per Month, per Man, to Greenwich Hospital.—By Mr. COLQUHOUN, from several Places, for the adoption of Uniform Weights and Measures.—By Mr. LYALL, from Merchants and Shipowners in the City of London, against the Restriction of the Importation of Foreign Sugars for the purpose of Refining.—By Mr. NEWTON FELLOWES, from two Places in Devonshire, against, and from one Place, in favour of, the Tithes Commutation Bill.—By Mr. MARK PHILLIPS, from Donnington, against the Slavery Abolition Bill, and for the Recall of the Troops from the West-Indies.—By Mr. CHARLES KEMYSS TYNTE, Colonel GORE LANGTON, and Mr. J. LEE LEE, from several Places, for the Repeal or Amendment of the Sale of Beer Act; and from Chard, for permitting the Circulation of Small Notes.—By Sir GEORGE GREY, from Devonport and Stonehouse, for Establishing Local Courts.—By Lord ROBERT MANNERS, from the Frame-work-Knitters of Loughborough, for Relief.—By Mr. GEORGE EVANS, from certain Individuals concerned, for Inquiry into the State and Regulations of Smithfield Market, Dublin.—By Mr. GILLON, from the Linen Weavers of Forfar, for Regulations respecting their Payment.—By Mr. Sergeant PERRIN, from Aughnamullin, for an Inquiry into the Collection of Tithes in that Parish.—By Mr. BARRON, from Carrick-on-Suir, that when the House shall have acquired the right of Conferring or Transferring Representation, it will take the Claims of that Place into Consideration.—By Mr. TOOKE, from the Solicitors of Birmingham, in favour of the Notaries Public Bill.—By Mr. EWART, from the Anti-Slavery Society of Liverpool, against the Slavery Abolition Bill.

CASE OF MR. PERROTT.] Mr. *Clay*

presented a Petition from an individual named Henry Dundas Perrott, formerly a Lieutenant in the Navy. The petitioner complained of having been struck off the list of Lieutenant of the Navy. The circumstances were these:—In March, 1812, Lieutenant Perrott was convicted at the Assises at Maidstone, of a misdemeanor in obtaining 20*l.*, for having given protection to one Bullen, a master mariner. He was convicted, as he affirmed, in consequence of not being permitted to take a copy of the indictment, so that he could not be prepared with witnesses to rebut the charge. After some months' imprisonment, the party on whose evidence the conviction was obtained, died, and consequently a bill of indictment could not be preferred against him, and on Lieutenant Perrott's applying to the Court of King's Bench, the Judges reversed the sentence and judgment which had been given against him. Upon the strength of that judgment the petitioner applied to the Admiralty to be restored to the Navy, but was told that the reversal of the sentence having proceeded upon technical grounds, his restoration could not take place. In July, 1825, he procured a restoration of a pension of 2*s.* 6*d.* a-day, which he would have been entitled to under the regulations of the service, had he been only a Midshipman. Affidavits were in existence, swearing that other persons, now dead, were guilty of the forgery attributed to the petitioner. He trusted that the House would consider he had made out a sufficient case for its consideration.

Mr. *Thomas Attwood* thought the case of the petitioner one of signal hardship, and could not help stating his firm belief to be, that the petitioner was the victim of personal malice on the part of some of the late members of the Board of Admiralty or their subalterns.

Sir *Edward Codrington* supported the prayer of the petition. If the House looked at the number of pensions that were given for doing nothing, they would consider it a great disgrace to take from this poor man his paltry pittance.

Sir *James Graham* was sorry the case had been brought before the House, inasmuch as it would render it imperative upon him to make statements that would not be very pleasant to the feelings of some parties. Up to 1812, he admitted, the petitioner had conducted himself in the most becoming manner, and had done a great many gallant actions, but in that year he had been tried at the Maidstone Assises, for obtaining money under false pretences from the wife of a sea-faring man named Bullin, he having represented to her that he was able, through the instrumentality of some relations at the Admiralty, to protect her husband from impressment. He was convicted of this, but some objection being taken to the indictment, that point was reserved for the consideration of the twelve Judges, who decided against the validity of the indictment, and the prisoner obtained a reversal of his sentence of two years' imprisonment. In consequence of his conduct, his name had been removed from the Navy List. In 1823, the petitioner presented a petition to the Admiralty Board to be restored, which was referred to Counsel, who advised the Board not to accede to the request of the petitioner. The petitioner now stated that he had fresh grounds; but he (Sir James Graham), after having given the subject his best consideration, felt compelled to come to the conclusion that the petitioner had been guilty of the charge imputed to him; and he, therefore, could not, consistently with his duty to the public, advise the House to accede to the prayer of the petition.

Petition to lie on the Table.

Ministerial Plan for the Abolition of Slavery.] Mr. Secretary Stanley moved the Order of the Day for the second reading of the Abolition of Colonial Slavery Bill.

Mr. *Fowell Buxton* wished to have the Order in Council, which was to be made the model of legislation in several colonies, laid upon the Table. It was most important this should be done for the purpose of enabling the House to form some idea of the new system of society which it was proposed to establish in the West Indies. He professed himself unable to understand the system of apprenticeship. It would appear to be a state partly of slavery and partly of freedom; he wished, if possible, to ascertain the proportions. He also urged as another reason for the necessity of producing this order that the provisions of the new Bill were more oppressive upon the negroes than the old Orders in Council. The Bill permitted them to labour ten hours a-day, while the old Orders in Council restricted the time to nine hours

a-day, and provided, moreover, that the slaves should have forty days holydays. Thus, by the new measure, the slaves lost one hour per day, and forty days per annum freedom.

Mr. Secretary *Stanley* stated, that it was impossible for him to produce an Order in Council, the draft of which could not be yet drawn, inasmuch as the order must necessarily be founded on the Bill, the provisions of which were not yet determined. The Bill was not intended to supersede the existing Orders in Council: it was only intended to provide a maximum beyond which, in dealing with the labour of the slaves, the Colonial Legislatures could not go. It would not interfere with the further arrangements with respect to the government of slaves in those colonies in which they were established. As to the hon. Gentleman's observations with respect to apprenticeship, he had only to remark that apprenticeship, in any state or any part of the world, must necessarily be a state partly of freedom and partly of slavery.

Lord *Howick* still hoped, that his right hon. friend would be induced to accede to the request of the hon. Gentleman. The great anxiety of those who, like himself, believed the system of apprenticeship to be impossible, was to know by what means his right hon. friend proposed to carry that system into effect.

Mr. Secretary *Stanley* had hoped, that his noble friend knew enough of the difficulty of drawing up Orders in Council, to prevent him from thinking that such order could be drawn up before the provisions of the Bill, upon which it must be necessarily founded, were determined upon. He declared that no Order in Council was intended to be sent forth as a model of legislation for all the colonies.

The Order of the Day read.

Mr. Secretary *Stanley* said, that as the Bill was founded upon Resolutions which had received the approbation of both Houses of Parliament, he did not feel it necessary for him to trouble the House with any observations upon it, but should simply move that the Slavery Abolition Bill be now read a second time.

Mr. *Fowell Buxton* said, that he was not prepared to oppose the second reading. But he felt it necessary to repeat the objections which he had already stated against certain parts of it. The system of apprenticeships was incomprehensible, and he did not understand how, if compulsion were abandoned, recourse could be had to any other system than that of wages. He should oppose the system of apprenticeships, and also the proposition of giving money to the planters, until it should be seen that slavery was really extinguished; because the money might be paid, and the Colonial Legislatures might never consent to make the laws necessary for carrying the object into effect. The planters would resort to the old system of compulsion, and there would be as much whipping as ever if the work was to be done. If that old system were resorted to, he was convinced that convulsion and insurrection would ensue in the colonies. He had had communications from various quarters in the West India Islands, which assured him that the negroes were in that state that they were determined to have wages for their work. If they were not paid insurrection would be the consequence, and that would be the termination of British authority in those islands. As there was an understanding that the principles of the Bill should not be discussed at this stage, he should content himself with giving notice that it was his intention to move two instructions to the Committee—the first, to limit apprenticeships to the shortest period which could be sufficient for introducing the necessary regulations; and the other that no money should be paid to the planters until slavery should have been extinguished.

Mr. *Hume* objected to granting twenty millions without having adequate grounds upon which to form an estimate of the proper amount of remuneration. He was anxious to know what were the intentions of his Majesty's Government with respect to continuing the monopoly of sugar to the West-India Islands, or throwing the trade open. He distrusted the produce of free labour, and feared that the amount would be so much reduced as to raise the price of the article in this country as high again as it was at present. If the price of sugar were to rise 20*s.* the cwt., this would impose a tax of 4,000,000*l.* a-year on the consumer in this country, in addition to 1,000,000*l.* a-year, the interest of the 20,000,000*l.* proposed to be given as compensation.

Mr. *Pelham* begged to say a few words upon a subject in which he was personally interested. He observed his name amongst those of other hon. Members of that House, as having attended at a meeting of

the Anti-Slavery Society, on Saturday, at which it appeared a Resolution was passed, of which he as a Member of that House could not approve. He certainly had been present at that Meeting, but had left before that Resolution was proposed. If he had been present when it was put, he should certainly have opposed it, as he considered it an unconstitutional one, and such as no Member of that House would be justified in adopting. The Resolution to which he alluded was to the effect, that delegates should be summoned from all parts of Great Britain and Ireland, to watch the conduct of the Representatives of the people, on this question. He should be ashamed to show himself again in that House, if he could have suffered such a Resolution to pass without protesting against it, and he wished to take this opportunity to guard himself against the imputation of having sanctioned it.

Dr. *Lushington* said, that he had also been present during the earlier part of the meeting alluded to, and could assure his hon. friend and the House, that it was not the intention of those who generally take the lead in matters of this nature, that such a resolution should be adopted. He should certainly have felt great difficulty in acceding to such a proposition. The resolution was carried in his absence, but undoubtedly the meeting had a right to express its desire, that those Gentlemen who had been deputed from very respectable bodies in various cities and towns, at a period of great excitement, should attend, if such was their opinion. It was not his intention to enter into the discussion of the question before the House, as there seemed to be a determination that the second reading of the Bill should pass without a very narrow examination of the principle which was founded upon the Resolutions approved of by the House. He should, however, at the proper time move an instruction to the Committee, that all persons who had been slaves in the West-India islands, and who had once landed in Great Britain or Ireland, should if they returned to the West-Indies, be *ipso facto* free. He hoped and trusted the House would agree to this proposition, when it saw the iniquities which were the consequence of the present system. It sometimes happened that slaves came to this country and contracted marriage here, and left free children here; but if they returned to the West-Indies to see their aged parents, they were replaced in slavery, and condemned to pine in wretchedness. He should also move another instruction that no part of the 20,000,000*l.* should be given to any slave-owner in the colony of the Mauritius, unless he made out a good title by proving the legal importation of the slave. He was justified in making this proposition, because the Secretary for the Colonies had admitted that 25,000 felonies had been committed in this way since 1810. He agreed entirely with the hon. member for Weymouth in reprobating the system of apprenticeships, and should use his utmost endeavour, to eradicate it from the Bill. He should consent to a restriction for a short period, until wages should have time to find their level. He had also another objection to the measure. He could never intrust the Colonial Legislatures to legislate upon the freedom of the slave.

Lord *Sandon* considered that the principle of apprenticeships and that of compensation were settled by the Resolutions, and the House ought not to revoke its decision.

Mr. *Rigby Wason* considered the system of apprenticeships a valuable one, with adequate wages; but he did not approve of the provisions of the Bill in that respect.

Lord *Howick* said, it had been expressly declared upon the discussion of the Resolutions, that the House was only pledged to the principle of a preparatory state between slavery and freedom, and not to the precise system contained in the Bill, and still less to the time for which it was to last. He agreed with the hon. and learned member for the Tower Hamlets, that the confidence which his right hon. friend, the Colonial Secretary now placed in the Colonial Legislatures was quite contrary to the sentiments he had avowed when first submitting this scheme to the House. Considering the words which his right hon. friend had quoted from Mr. Canning, he could not trust the masters of slaves to legislate for them. He had requested his right hon. friend to submit the draft of the Order in Council, by which he proposed to carry his plan into effect; but his right hon. friend excused himself upon the ground of the difficulty of framing Orders in Council for such purposes. If his right hon. friend could not show how his principle was to be carried into effect, he was sure that would convince the House that the

principle was wrong. Agreeing to the second reading of the Bill, he must at the same time enter his decided protest against sacrificing the welfare of the slave to the pecuniary interests of the master. If the Bill went through the Committee in its present state, it would be impossible for him, on the third reading, to do otherwise than give it his opposition.

Mr. *Denison* contended, that the House was pledged by their Resolution to the principle of the Bill; and he strongly protested against their being called upon to retrace their steps. If that were attempted, it would have been infinitely better for all parties, had the measure never been broached at all.

Mr. *William Evans* denied that he was pledged by the Resolutions. Surely those who voted for the grant of 20,000,000*l.* could not be considered as bound to vote for the Bill, let it assume what shape it might. He did hope that the right hon. Gentleman would have been induced greatly to shorten the terms of the apprenticeships.

Mr. *Baring* wished to know whether the right hon. Gentleman had formally communicated the Resolutions of the House to the Governors of the Colonies, and to the Colonial Legislatures? Much depended upon that. To have passed Resolutions in a Committee, by no means precluded a subsequent discussion of those Resolutions. But there were Resolutions involving a bargain, such as a loan, &c. the adoption of which by a Committee rendered a subsequent discussion of the question a matter of considerable difficulty. He wished, therefore, to ask the right hon. Gentleman whether the Resolutions had been formally sent out to the Governors of the Colonies, and to the Colonial Assemblies, with an invitation to the latter to act on them as the Resolutions of Parliament; and the answer to that question would very much influence him as to the question of honour in the future discussion of the subject.

Mr. Secretary *Stanley* stated, in answer to the hon. Gentleman, that as the Colonial Assemblies did not meet until November, there was at present no opportunity of laying the Resolutions before them; but he had thought it right formally to communicate them to the Governors of the Colonies, with instructions to submit them to the Legislatures, at the earliest possible period. It had been notified, also, not only that the Resolutions had passed both Houses of Parliament, but that the House of Commons was employed in considering the details of a Bill, the object of which was to carry those Resolutions into effect.

Mr. *Baring* proceeded. He collected from the answer of the right hon. Gentleman, that the Resolutions were not absolutely binding on Parliament, as no correspondent measure had hitherto been formally required from the Colonial Legislatures. If, on the contrary, those Legislatures had been convened, and the Resolutions had been formally communicated to them, that circumstance ought, in his mind, to have had considerable weight with the House. On the whole, he was certainly disposed to vote against a Bill which did not seem to give satisfaction to any of the parties interested in it. Not being satisfactory, he really could not consent to so enormous a sacrifice of public money as the Bill involved. If the Bill should go into a Committee, and he were able to attend that Committee, he would state the particular objections which he entertained to the provision by which the Chancellor of the Exchequer was empowered to raise the 20,000,000*l.* at any time he pleased; as such a step was calculated to bring down the credit of the country, in a manner unheard of, unnecessary, and most destructive.

Mr. *O'Connell* agreed in a great deal of what had fallen from the hon. member for Essex, as to the unsatisfactory character of the measure. He especially objected to the large compensation. It had been asserted, that the West-India proprietors had been harshly treated. Harshly treated! Instead of a loan of 15,000,000*l.*, to obtain a gift of twenty! It was the people of England who ought to complain of being harshly treated. He denied that the House was bound by the Resolutions. No bargain had been made. He objected strongly to the apprenticeships. They were slavery under another name, and he trusted the clause respecting them would be completely changed in the Committee, and he should vote in every stage against the Bill while it comprehended the compensation to the planters of 20,000,000*l.*; a sum which would be actually thrown away, as slavery would still continue to exist. If any hon. Member called for a division on this second reading, he should have his support.

Mr. *Bernal* said, as there was a general understanding that no discussion should take place on the second reading of the Bill, he would not trouble the House with any reply to the observations which had been made. He might tell the hon. and learned member, however, that the mandate of emancipation had gone forth, the Resolutions of both Houses had been sent out to the West-Indies, and the work of negro emancipation in the colonies was already effected. It only therefore remained for the Houses of Parliament, and those possessing property in those islands, to devise the best means of carrying these Resolutions into effect. He trusted that no personal feeling, or political feeling, would be allowed to stand in the way of so salutary a measure. He had always been of opinion, that the prosperity of Great Britain was bound up with the prosperrity of the colonies, and he thought it was the duty of Parliament and of the people of this country to see that no steps should be taken which would tend to diminish their prosperity. When the time came he should be ready to express his opinion on some of the clauses which had excited some opposition, and in the mean time would call on hon. Members not to show any unnecessary opposition to a Bill which must necessarily pass. With regard to the sum of 20,000,000*l.* he would only say, that it was proposed rather for the purpose of conciliating the colonists, in order to induce them to act cordially with Government, than as a compensation for the loss that might be sustained.

Sir *Robert Peel* said, that the position in which the House stood that day, as to the question of slavery, was very different from that in which it stood, when it first entered upon the consideration of it some few days ago. When they then went into Committee to consider the Resolutions of the right hon. Secretary, there had been no pledge respecting the immediate abolition of slavery. The question was then *res integra*, and it was open for any member to deliver his opinions upon it as he deemed fitting. But in the interim both Houses of Parliament had affirmed those Resolutions, and had declared that measures must be forthwith taken for the entire and immediate abolition of slavery. He thought those Resolutions unwise, and had in consequence tried to modify them. He had proposed to substitute the word "ultimate" for "immediate;" because knowing, as he did, that the Imperial Legislature had power to terminate that state of slavery whenever it thought fit, he still deemed it wise, as the House had resolved to give a certain amount of compensation to the West-India proprietors, to take time to deliberate upon the regulations under which the extinction of slavery was to take place. His opinion, however, had been overruled, and that House, and the House of Lords, had determined to pass immediate measures for the abolition of slavery. It was necessary, therefore, to consider what construction the slaves would put upon those Resolutions. He, who differed from the propriety of these Resolutions, saw the difficulty which they created; and yet he was not prepared to defeat the hopes which had been excited by Parliament. He could not assent to the proposition of the noble Lord (Lord Howick). He thought, that to declare emancipation should be immediate, and that to trust in the present state of the West-Indies, that the inducement of wages would be of itself sufficient to insure from the slave industrious occupation, was an experiment too hazardous to be made. He had stated that opinion on a former occasion to the House, and he had referred to the relaxing nature of the climate, to the facility of raising the necessary articles of life, and to the circumstance that in those tropical regions the chief luxury was repose and the absence of labour, as proofs that the abolition of the present system, under the notion that wages would induce labour, would be a most dangerous experiment. He also thought that the experiment about to be tried was equally hazardous. He could not believe, that the power of the Magistrate would be sufficient to enforce the performance of labour. He was afraid that there was some hazard lest the punishment inflicted by the Magistrate, if it were sufficient to insure labour, would be much severer than that which was inflicted even by the most arbitrary and despotic masters. He thought it possible that, by adopting the principle of the Spanish law—namely, by holding out to the slave as a stimulus to labour, the prospect of emancipating himself gradually by the produce of it, and by having that produce, when it reached a certain amount, aided by a grant out of the public Treasury, they might promote a measure which would be most for the advantage of the mother country, of the

colonies, of the slaves in those colonies, and also of those millions of slaves now in bondage in other colonies over which we had no control. He had thought that, if we had laid down the principle of aiding the slaves by a grant a long way short of 20,000,000*l.* to purchase their freedom by their own labour, it would have been more for the interest of the slave than the Resolutions were, which they were now pursuing. If this experiment were not successful, we should injure instead of benefiting the slaves. The Resolutions, however, having been carried, he felt it to be his duty to insure, as far as he could, the success of them; and if the House were determined to emancipate the slave, there would never be a heavier imputation upon its good faith than by determining, after making the determination to emancipate the slave known to him, to get rid of the pecuniary compensation to the master. He felt confident that the first Resolution was entire and immediate emancipation, or, in other words, the depriving the planters of a certain portion of their property; and should the House turn round upon them with a view to defeating their claim to compensation, it might, indeed, be empowered to do so, but we should incur an imputation upon our good faith, such as had never been previously equalled. Parliament was, in his opinion, bound to make the planters full compensation; but even that compensation would not render the experiment less hazardous. He thought that it was impossible, with the law of apprenticeship as it then stood, the magistrate residing at a distance from the place where the offence was committed could enforce the performance of labour; and what was to be done in that case was a question, on which he entertained an opinion so strong that he would not at that moment venture to express it.

Mr. *Godson* said, that in the essence of this Bill a most important principle was involved, which was, whether the Imperial Legislature had a right to take away at one fell swoop, all the Local Legislatures of the Colonies. Not one legal officer of the Crown had ventured to avow that the Imperial Legislature had any such right; and if it were avowed, it was not likely that the Colonial Legislatures would submit to it. This Bill limited the labour of a free man of full age and in full health to ten hours per diem, even though his extra labour were paid for. The 20,000,000*l.* that was to be given was not a sufficient compensation to the West-India proprietors for this, especially as it was proposed to distribute it, on the mode of doing which, the planters had formed very different opinions. He was sorry that the discussion on this Bill was not taken now; but as there had been an arrangement to postpone the discussion till the Committee, he would reserve his objections to it till it arrived at that stage. This, however, he would say, that in his opinion it would save much discussion upon several of the clauses in the Committee, to take the discussion of the principle of the Bill now. So little did he think the Bill calculated to carry into effect the object of any party, that if a motion were made to reject it now, he would certainly support it. One objection to it was, that the Commissioners who had to superintend the distribution of the compensation would not be able to perform their duty in the different colonies in less than ten years. He proposed to get rid of this plan, and to substitute in its stead another, by which 20,000,000*l.* should be advanced as a gift, and 10,000,000*l.* as a loan to the colonists, to be divided *per capita*. This would guarantee the planters from much loss, and would leave the slaves a happy and contented population. The present plan would not produce this effect; it would not effect the object of the anti-slavery societies, and it would place in jeopardy all the property in the West-Indies. He could assure the House that hon. Members would have more to do in the Committee than at this moment they expected.

Mr. *Buckingham* said, that though he regretted exceedingly to see a Bill of this nature pass through a second reading without a discussion of its principle, he would at least be no assenting party to such a step; and lest his silence should be misconstrued into an acquiescence with the principle, and an objection only to the details, he felt it his duty to protest against the whole principle of the Bill, as at variance with all those interests which it professed to promote. The only grounds on which such a measure could be undertaken, or defended, appeared to him to be these. It must be either, first, to satisfy the claims of abstract right and justice, without referring to any other consideration; or, secondly, to meet the almost universal wishes of the people of England;

or, thirdly, to effect the freedom and improvement of the slave population; or, fourthly, to benefit the West-India proprietors. He could not conceive any other motives than these for making any alteration in the existing state of things. He was prepared then to contend, that it would entirely fail of effecting any one of these objects; and that on these grounds the Bill should be rejected entirely, and a new one, founded on very different principles, be substituted in its stead. First—As to the right and justice of the case:—No one ever pretended to deny that slavery was an oppression and a wrong, unjust in its origin, and cruel in its prolongation. It must be clear, then, that to satisfy the claims of right and justice, the Bill should have declared the entire abolition of slavery, at the earliest practicable moment, with no further delay than might be required for merely organizing a competent magistracy and police. A Bill to prolong slavery for twelve years to come, under the specious title of apprenticeships, where nothing was to be learnt, and no wages to be paid, was a mockery and an insult to those who demanded its abolition on the grounds of justice or religion; and in this point of view, the Bill deserved condemnation at its earliest stage. Secondly,—As to its compliance with the almost universal wishes of the English people; scarcely anything could be more remote from it than this Bill. The people of England demanded immediate emancipation for the slave, as his undoubted right, to be given to him without delay and without price; yet, by this Bill, the delay was to be twelve years, and, in many instances, much more: and the price was to be 20,000,000*l.* sterling, as a grant from the nation; 14,000,000*l.* of interest for being paid twelve years in advance; 21,000,000*l.* as the appraised value to the owners of the labour of 800,000 slaves for the master's benefit for twelve years, at seven-and-a-half hours per day. As a still further cost to the nation, the protecting duties, bounties, and other privileges of the West-India planters, were to be continued during these twelve years, making, at least, 24,000,000*l.* more;—forming altogether the enormous sum of 75,000,000*l.* sterling, for the purchase of that freedom which ought to be given at once to the slave, without a single shilling of purchase-money, or a single hour of unnecessary delay. He had no objection to the principle of compensation; but the very term implied a previous loss; and the only reasonable footing on which the question of compensation could be put, was, not as a purchase-money for a property in the persons of the slaves to be liberated (the legality of which property he wholly denied), but as a remuneration for loss sustained by the adoption of one mode of culture for another. When loss should be proved to result from such a change, it would be time enough to compensate it; but compensation without data, and without loss proved, he held to be in violation of every principle of justice; and to that, this Bill pledged the House and the country, and should, therefore, be rejected. Thirdly,—As to its granting freedom and improvement to the slaves,—it did neither; but, on the contrary, it placed them under a system, which, though called freedom, they would soon discover not to be so; and becoming irritated by the mockery of all their hopes, and the breaking of all the promises held out to them, they would be even more dissatisfied than before. That dissatisfaction would be resented by the master,—punished by the magistracy,—denounced by the Colonial governments,—and, as sure as cause ever produced effect, would bring about a servile insurrection; which, though it might secure their freedom, would throw back their improvement, by the devastations of life and property which such insurrections would occasion, and by keeping the whole population in a state of irritating warfare, instead of calmly pursuing the arts of instruction and peace. Fourthly,—As to the benefit of the West-India proprietors;—nothing could so effectually do this as a Bill which should guarantee to them, on the faith of the nation, the full enjoyment of the actual annual profits now derived from their estates; and the putting by a fund, say 20,000,000*l.* or more, from which any actual loss proved to arise from the cultivation of their estates by free labour instead of by slave labour, should be repaid; for then, freedom being granted to the slave, all parties would be satisfied, and the experiment might be cordially and safely made; but by the present Bill no such freedom was to be given, no such experiment was to take place; and as the disappointment of the slave population, if this Bill should pass into a law, would of necessity beget an insurrection, they would

obtain their freedom by their own hands,—the purchase-money to be paid by the nation would be refused—the whole system of protecting duties and bounties would be overturned—the very colonies themselves might be lost both to the nation and to individuals, as America was severed from England, and Hayti from France; and the ruin of all the proprietors would be complete. He contended, therefore, that the Bill being defective in principle, ought to be opposed in its present stage; and he only regretted that those who considered themselves the leaders on this great question, should not have so opposed it. He had, however, discharged his duty in thus entering his solemn protest against the whole measure; and if he had succeeded in convincing the House that it would fail to effect any one of the objects it proposed to accomplish, he trusted that it would be so purged of its defects in its passage through the Committee, as to come out of their hands in as different a shape as possible from that which it now bore,—where evil so preponderated, as to make the good (if, indeed, it contained any whatever) wholly inoperative and impracticable.

Mr. *Andrew Johnston* said, that as emancipation formed the great feature of the Bill, he had no doubt that it would meet with the concurrence of the House. He was opposed to the long period of the apprenticeships, and had hoped, when the right hon. Gentleman changed the loan of fifteen millions to the proprietors, into a gift of twenty millions, that he would have taken the opportunity of curtailing the terms of the apprenticeship. He hoped, that this part of the Bill would be re-considered. As to the money, he was the last man in the world who would quarrel with a liberal expenditure for such a purpose; but he hoped that the liberality of the House would be met by a correspondent liberality on the part of the proprietors. It ought to be remembered, that if the proprietors had vested rights, the slaves had vested wrongs.

Bill read a second time.

East India Company's Charter.] Mr. Bernal brought up the Report of the Committee on the East-India Charter Bill.

On the Motion that the Amendments be agreed to,

Mr. *Wilbraham* moved a clause, prohibiting the exclusive manufacture and sale of salt by the Government of India. At present the manufacture and sale of salt was a close Government monopoly in India. It was manufactured there at a considerable expense, and in an unhealthy situation. The evil of it was enhanced three or four fold by the monopoly. It was subject also to all kinds of adulteration. The salt of Cheshire, which was the best in the world, might be sent to Calcutta and sold for a much less sum than the salt made in India. The abolition of the monopoly, therefore, would be a great advantage to the inhabitants of India, and it would also be a great advantage to the opulent and extensive community which he represented. Ships required heavy goods to carry to India, and salt would answer the purpose of ballast. It would therefore be equally for the advantage both of the inhabitants of India and of Britain to put an end to this monopoly.

Mr. *Ewart* seconded the Motion. There was already a large export of salt from Liverpool to New South Wales, to the United States, and to the Mediterranean; and there could be no doubt that it might be advantageously sent to India. He conceived it would, therefore be very bad policy to cripple the trade between England for the sake of raising a small revenue in India by an odious monopoly.

Mr. *Buckingham* begged to tender his support to the proposition of the hon. member for Cheshire (Mr. Wilbraham), and to offer a few remarks in confirmation of the evils to which this monopoly of salt by the India Company gave rise. It was one of the ancient abuses of the country; and, in the time of Warren Hastings and Lord Clive, the salt monopoly was a private perquisite of the servants of the East-India Company, who, in lieu of direct salaries corresponding to their rank or station, had certain shares assigned them in this monopoly, by which they enhanced the cost of salt on some occasions as high as 1,000 per cent above its natural price. This was an evil to be examined in two distinct points of view—the one as it affected the people of India, the other as it affected the people of England; for the monopoly was deeply injurious to both. To the people of India, salt was much more a necessary of life than to us, from the circumstance of their religion prohibiting the use of any but vegetable food. The want of this article, occasioned by its

high price, was frequently the cause of disease; and he had himself, in a voyage from the Red Sea to Bombay, witnessed the death of sixteen seamen in a few days, from a disease of which all on board were ignorant, but which, on being described to the medical officers of Bombay, was recognized by them as a disease occasioned by the absence of salt and those other stimulants which can alone render exclusively vegetable diet either nutritious or wholesome. Besides the deficiency of quantity to which the high monopoly price gave rise, there was an evil just as great, occasioned by the system, which was the admixture of saline earths, and other deleterious ingredients, which were almost as unwholesome as the entire absence of the salt for which they were offered as a substitute: and, from this double evil, the privations and sufferings of the poor Hindoos were extreme. But the sufferings occasioned by the process of manufacture were greater still. The salt of Bengal was chiefly made in a district called the Sunderbunds, where the branches of the Ganges run through a flat country, intersected by innumerable channels, liable to constant floods and inundations, and infested in every part with tigers. The people were compelled, under severe restrictions, to work in the salt pans under the scorching heat of a meridian sun, and kept to their labour by sepoys and police guards; and, from all he had heard of the cruelty of their treatment, he must confess, that if he were unfortunately driven to choose between the condition of the African employed in the cultivation of sugar in the West Indies, or the Hindoo employed in the manufacture of salt in the East Indies, he should prefer the former, as being the least miserable of the two, The liability to destruction from floods and tigers, was merely the result of that barbarous system by which India had been hitherto ruled, as a farm held at lease, of which the most was to be racked out of it, at the least present cost, in utter disregard of its future condition. There were, accordingly, neither dykes nor canals, nor embankments, nor any of those securities by which civilized governments protected their lands and their subjects; so that, at some periods of the year, thousands were swept away by inundations, which covered miles of surface, and from the devastations of which only a few escaped by taking shelter in the tallest trees, and lingering out a painfully protracted existence in the branches and the boughs: and, at the drier seasons of the year, the jungles being filled with tigers, they were carried off by these also in considerable numbers. Besides the evils thus inflicted on the makers and the consumers of salt in India, smuggling, upon a most extensive scale, was induced by the high duties on the commodity; and this was attended with all the evils of smuggling in every country—but here presented in an aggravated form. He had himself taken a cargo of 1,200 tons of salt from the coast of Coromandel, at Covelong, near Madras, to the Company's dépôt at Calcutta; and he had reason to know, that on that occasion, the temptation of large profits had induced many of the natives to load smaller vessels and boats with salt, which was smuggled into Bengal; that several of these smugglers had affrays with the police; that many lives were lost on both sides; and that, in addition to the loss of revenue from this cause, the survivors from these combats were often induced to become robbers; from robbers they passed on to become murderers—and then joined the regular banditti or dacoits of Bengal, to carry on a system of plunder and devastation, which generally ended in their apprehension and condemnation to death. But, in addition to this long catalogue of evils inflicted on India by this odious monopoly in an indispensable necessary of life, the injury to the merchants and ship-owners of England was considerable. It must be well known to gentlemen at all conversant with foreign commerce, that a large portion of the cargoes of manufactured goods sent out from this country to India consisted of light articles, occupying considerable space, but not sufficiently weighty to form the entire cargo of any ship; while those articles of metallic manufacture were yet insufficient to fill the necessary bulk required for the ballast requisite to preserve the safe and steady equilibrium of the ship. Now, the salt of Cheshire was an article peculiarly well adapted to this purpose; and it could be laid in at Liverpool, of so good a quality and so low a price, as to be certain of realizing a handsome profit on being taken to India, were it not for the monopoly of that article continued in the hands of the East-India Company,

What was the consequence? That the ships from Liverpool being unable to take this salt, frequently took in common stones as ballast, which not only paid neither freight nor profit, but were attended with a considerable expense to get rid of, after the ship's arrival in India, as they could not be thrown overboard, for that would injure the anchorage and the navigation of the harbours or rivers in which they might lie; and therefore they were obliged to convey them to a distance before they could be deposited on the land or sunk in the sea. At the same time, the ships returning from India, and being equally in need of some heavy and bulky material for the lower portions of their cargoes, were practically as much prohibited from taking on board the sugar of Bengal for the homeward passage, as they were the salt from Cheshire for the outward voyage, because of the monopoly granted to the West Indies by the extra duty imposed on sugar coming from the East. We were thus crippling our merchants and shipowners on all sides; and, instead of legislating for their benefit, were absolutely making laws to perpetuate their injuries. Of this he felt assured, that if the Americans had passed a law which prohibited us from exporting salt from Cheshire to India, or importing sugar from Bengal to England, we should have deemed it abundantly sufficient cause for war; and the whole English nation would join us, most cordially, in declaring hostilities against America, and demanding redress. Was it, then, the less an evil because this state of things was the result of laws made by ourselves? He thought not. On the contrary, he considered that a blow aimed at our prosperity by the hand of a professed friend, was more painful and mortifying than a blow struck by an open enemy; and if, as was contended, the Government of England was a paternal Government—if the King were really, as it was professed, the father of his people, and these were as much his children as they were the subjects of his realm—it was high time that we, who, as the legislators of the country, were presumed to be the King's advisers, by our counsel, should carry up our remonstrances to the throne against these intolerable evils, and ask the Royal sanction to legislative acts that should sweep them for ever away.

Mr. *Hume* thought the monopoly of opium, as well as that of salt, should be put an end to at once. He had no doubt, that a great many of the diseases with which the poorer classes in Bengal were afflicted were caused by the want of salt. As the Government, he understood, fully admitted the inexpediency of the monopoly, the question was now only one of time, and he should not, therefore, enter into a lengthened discussion on it.

Mr. *Charles Grant* admitted, that this subject was well deserving the attention of the House. The hon. Member who had spoken last, truly stated, however, that the question was only one of time. His Majesty's Government did not defend the continuance of the tax. One great object of the present Bill was to separate the government and the commerce of India. Into such a question as the present, however, there were many considerations of caution and prudence entered; no one could deny the expediency of removing the taxes on salt and opium; but it was not to be forgotten, that those taxes produced a revenue of 2,500,000*l.* of which 1,600,000*l.* was from salt alone. It was the opinion of the Authorities in India, however, as well as of the Government, that the tax on salt should be got rid of as soon as possible. Under these circumstances, he hoped, that the House would be satisfied, and that the hon. Member would withdraw his Amendment.

Lord *Sandon* said, that when he was connected with this branch of the public economy, he had felt satisfied of the necessity for endeavouring to levy the revenue of India in some other way than by imposing a monopoly duty of salt upon the natives; he was now more than ever convinced of that necessity, and he should support any feasible proposition for some change in these respects. However, after the declaration of his right hon. friend, he hoped his hon. friend would feel satisfied, and withdraw his Amendment.

Mr. *Cutlar Fergusson* said, that the prejudices of the Indians were so powerful as to offer a complete bar to the substitution of any other tax in lieu of that on salt, to which they had been so long accustomed. He thought, therefore, that the matter had much better be left to the discretionary power of the local government of India.

Mr. *Hume*, in explanation, said, that he by no means wished to get rid of the revenue arising from the duty upon salt,

but merely by lowering the tax one-half to increase the consumption of that article, and to supply the deficiency which would arise from the native manufacture by pouring in a sufficient quantity from without.

The Amendment of the hon. member for Cheshire withdrawn, and the Amendments of the Committee agreed to.

EMANCIPATION OF THE JEWS.] Mr. Robert Grant having moved the third reading of the Jews' Disabilities Bill,

Mr. *Finch* rose to oppose the further progress of the Bill. To the Jewish people he was friendly, as far as they were entitled to a participation in constitutional privileges. Christianity, however, formed a part and parcel of that Constitution, to participate in the whole of which they now aspired; and he concurred with many that it would be a solecism to permit men denying the truth of Christianity to expound our laws, and administer justice to professors of Christianity. He was sure, that this measure would lead to the most disastrous results. All who wished well to the Church Establishment ought to set their faces against the admission of the Jews to Parliament. The proposition that all men, be they Jews, Hindoos, or Mahometans, were fit to legislate for this country, would lead to the principle that a Church Establishment was altogether unnecessary. He felt bound to oppose the measure. He gave the supporters of it credit for the most pure and praiseworthy motives, but as he felt that the measure was one of the most destructive that had ever been proposed to Parliament, he could not do otherwise than vote against it.

Mr. *Cumming Bruce* said, his opposition to this measure did not rest upon any apprehension as to its practical results, but was based upon much higher grounds. The question was not whether three or four, or half a dozen Jews, should be admitted to Parliament, but whether the Legislature should continue to be an exclusively Christian Legislature? It was now proposed, that they should admit the avowed and inveterate enemies of Christianity. It was the duty of the House to legislate for the interest of religion and the maintenance of Christianity. With what consistency could they admit the enemies of that belief to assist in legislating for it? He knew, it was argued, that in these liberal days all civil rights and privileges, and even power, should be opened to all classes of his Majesty's subjects. He was not going to dispute that proposition at present, but he asked whether Jews were his Majesty's subjects? He had never heard that an Austrian, or a Swiss, or a Russian, or a Calmuck, let him have lived never so long in this country, would be entitled to any thing beyond protection. He did not see, that the Jew had a right to any higher privileges. As an alien and a stranger he was entitled to protection, but not to a share in our legislation. He knew, that many Gentlemen considered, that religion, being a matter between man and his God, a national recognition of our allegiance to the Divine Founder of our creed was unnecessary. But he did not see why that which was fit for an individual or a family was not also good for a State. The Scriptures enjoined national recognition of religion, and the frequent calls to nations, and the rulers of nations, amply proved this. He could not consent to a measure which was calculated to draw down national chastisement upon us for our abandonment of that recognition which we owed to the Divine Being. Men might "rush in where angels fear to tread;" but for his part he shrunk from the responsibility which such a measure as this would entail. He might not hope, that the Bill would be rejected in that House, but he thanked God there was another tribunal where its merits would be weighed. He was sure there was no feeling in favour of the measure out of doors, but that its rejection would be hailed with gratitude and enthusiasm by the serious and reflecting, and would be received with indifference only by those who were indifferent to everything. The only pledge that had been required of him by his constituents was, that he should vote against the Bill. That pledge, however, he refused to give, as he would have refused any other pledge. But he did not feel it the less his duty to oppose it from conscientious feelings, and that duty he should discharge.

Sir *Edward Codrington* said, he had presented a petition from the port which he represented, very numerously signed, in favour of the measure, and he should support it.

Mr. *Sheil* said, that having once been himself disqualified on account of his

religious opinions, he felt a strong sympathy for those who were not in the full enjoyment of civil rights. He thought the arguments on the score of expediency were much stronger against the Catholics than against the Jews, for there were millions of the former, but the number of Jews who could avail themselves of the privileges proposed to be conferred upon them would be very small indeed. Wherever the Jews had been admitted to the possession of civil rights they had shown themselves capable of the sentiments and the duties of citizenship.

Mr. *Cutlar Fergusson* said, that as a question of principle he should vote for the third reading. Those who had supported the repeal of the Test and Corporation Acts and the Catholic Relief Bill, would act inconsistently if they did not support this measure.

Sir *Charles Burrell* said, that he should oppose the Bill on the same ground upon which the hon. member for Kircudbright supported it—namely, on principle. He believed the Jews to be industrious and well conducted, but he did not think that they had any right to sit in a Christian Parliament. The prophecies of the Bible, according to the interpretation of a celebrated author, had been completely fulfilled. He must refer to the work itself in proof of this fact.

Mr. *Buckingham* said, that having already had an opportunity of declaring his sentiments on the principle of the Bill, at its second reading, he was not now going into the general question ; but there was one argument of the opponents of this Bill on which so much stress had been laid, that he felt it his duty to show to the House, as briefly as he could, that it was founded entirely in error. It had been asserted, that the Jews were a people who had no attachment to the land of their nativity or habitation ; their affections being wholly absorbed by Jerusalem and Palestine, to which they looked with such anxious longings, that they had no feelings of patriotism for any other country, but directed their regards, and concentrated their affections entirely on the Holy Land. Now, having been himself for some time at Jerusalem, having made Palestine the subject of his peculiar and careful observation, and having examined into the state and condition of the Jews there and elsewhere, he was bound to say, that he had never heard of a single English Jew having visited Palestine, even as a matter of curiosity or recreation. If their affection for the Holy Land had been so unconquerable as had been supposed—there were many Jews in England, who had leisure and means in abundance, to enable them to make a visit to that country ; but they never thought of going so far : and as to those who inhabited Jerusalem, or any part of Palestine, of which there were many of Asiatic and some of European birth, the oppressions under which they suffered,and the degradations to which they were subject, were such as to make their abode a continued scene of suffering : and, accordingly, as soon as they could possess themselves of the means of competency, or even of removal,they generally hastened with all possible speed, to get away from the country and its persecutions, and repair to some other happier land. The error lay in this—that we assumed the Jews to feel all that their sacred book represented them as feeling; and to act as their Scriptures prescribed. In this sense it was, no doubt, their duty to remember Jerusalem, and they recited prayers and hymns in praise of the Holy Land. But it did not follow, that they felt what they said, or acted up to what they professed, any more than many Christians, who recited in their worship, that into which their feelings never entered ; and who, while they professed temperance, chastity, justice,and mercy, were frequently violating every one of these virtues by the daily acts of their life. As a purely theological question—the Jews, no doubt, looked to the restoration of their nation, and the establishment of a temporal kingdom at Jerusalem. But no one pretended to fix the exact period of that change. When it should be announced by such signs as could not be mistaken, they would, no doubt, avail themselves of the event. But the question before the House was—whether, during their residence among us, and their performance of all the duties of good citizens, paying taxes to the State, obeying the laws, and living in peaceful communion with their fellow-men, we should continue to exclude them from all those civil privileges which they were fully competent to enjoy usefully to themselves, and not injuriously to us, from the fear of some anticipated change, which might never arrive in our day, and if it did, could produce no evil by any extent of elevation which we might

give to the Jews in the period previous to its accomplishment. He had yet heard nothing to lessen his confidence in the justice and policy of the measure for their emancipation; and he should, therefore, continue to give the Bill his cordial support.

Lord *Sandon* said, that in supporting the Motion, it was not his intention to enter into the details of the question, because in considering these details in his own mind (and he had fully so considered them), he felt that no danger could occur either to the Church or State by the adoption of this measure.

Sir *Robert Inglis* said, the explanation of the hon. and gallant Member was not so satisfactory as might have been expected. The subject was of paramount importance, and after having given his most anxious consideration to it, he was prepared to give his determined opposition to this Bill. The measure went either too far or not far enough. Either they were legislating on principle, or with reference to living interests. If on principle, not the Jews alone, but all other sects, of whatever belief or of no belief at all, should be admitted into the government of Church and State. He had always contended, that by the very terms of the writ issued by the Crown, they were called together to legislate for the whole interests of England —for Church as well as for State. Thus, persons who were by profession and by personal belief hostile to them in one half of their subjects of legislation, could not be fit to be trusted with any share in it. He was always ready to do an act of justice to individuals as well as to numbers; but denying it to be an act of justice, and looking upon this measure as one of expediency only, how small was the advantage it would confer on any one. So small it was, indeed, that the title of the Bill ought to be, "a Bill to enable an hon. Gentleman to come from the Lobby into the Body of the House." Supposing one was an understatement, four Jews were certainly the utmost that would ever be admitted into that House. No great temporal mischief would arise, but the principle involved was great; and that principle would be sacrificed on the altar of expediency. The hon. member for Stamford had very properly referred the House to what had been done in other matters by foreign states, whose example they were requested to follow in the present case. He had shown, that in the matter of slavery, the most liberal of republics was completely at variance with England. The example of any foreign state could be no rule for their conduct; but if their example were quoted at all, it ought to be done correctly; and as Prussia had been referred to he would state, that the liberality of the government of that country went so far as to allow the Jews to marry at the age of twenty-four, and to hold a certain set of inferior offices. In fact, their situation could not now be compared to that of the Jews in this country, not one of whom, he was sure, would give up the rights which he enjoyed here for the enjoyment of those of his brother in Prussia. The hon. and learned member for Kircudbright had stated, that the common law was not against the Jews; yet how could that assertion be reconciled with the great law maxim, that Christianity is part and parcel of the law of the land, which had been promulgated by one of our greatest and wisest Judges, and adhered to for the last 200 years? The hon. and learned Member had also asserted, that there was no statute law against them. The very oath required to be taken on entering that House was incorporated in a statute; and there was a yet unrepealed statute of the Irish Parliament passed in the 23rd and 24th George 3rd, in which it was declared, that whatever indulgence might be granted to other sects should not be granted to the Jews. The opinions of a man formed an important part of him, and it was therefore of great consequence to consider the opinions of those whose fitness for being admitted to that House was under discussion, particularly their religious opinions. He had not yet heard from any of the hon. Members who had spoken in favour of this Bill any thing which tended to show, that the opinions which the Jews entertained made them proper persons to be admitted to that House. He should, therefore, move, that this Bill be read a third time this day six months.

Mr. *Andrew Johnstone* congratulated the hon. member for Oxford on having shown himself so true an advocate of Christianity, and giving proof, that it was part and parcel of the law of the land. With respect to the oaths talked of by the hon. Member, the House must bear in mind how oaths were found binding on Roman Catholics, according to the evidence given by Roman Catholic priests

and other authorities. He would return back to the question more immediately before the House, and call upon the House to consider upon the solemn form of prayer which was daily performed in that House, and then ask themselves how they could expect Jews to join in that prayer? He would ask the hon. Member how he could defend this part of the case? It was not his intention to trouble the House much further on this subject; but he would say, that the British Constitution, which had been maintained for centuries on principles of Christianity, ought to be continued upon those pure and Christian principles upon which it was founded.

Mr. *John Maxwell* having all his life supported liberal measures, wished to state, that he could not support this Bill, because it gave a character of complete indifference to all religion. To the Legislature, Christianity was interwoven with the law of the land, and he would not consent to admit the Jews into Parliament.

Mr. *Robert Grant* was not guided by prophecies, but by precepts. He held, that every civil disability imposed on a particular sect, for which no reason was shown (for on those who opposed the Motion the burthen of proof lay) was not only oppression, but persecution. The advocates of the present measure might be compared to the good Samaritan, who did not refrain from relieving the man at the way side because he was an alien, and professed another creed. The arguments used to exclude the Jews from the ordinary rights of citizenship, were precisely those arguments used on the present occasion. He must express a hope, that this great question might be settled on the basis of charity, and in accordance with those great principles on which the Christian religion was founded, namely, of glory to God, and good will to men.

The House divided on the question, that the Bill be read a third time—Ayes 189; Noes 52: Majority 137.

The Bill read a third time and passed.

List of the NOES.

Agnew, Sir A.	Callander,
Bruce, Lord E.	Calley, T.
Bruce, Cumming	Corry, Hon. H.
Buller, Edward	Daly, J.
Bainbridge, E.	Eastnor, Lord
Burrell, Sir C.	Estcourt, T. G. B.
Chaplain, Colone	Finch, G.
Forster, C.	Maxwell, Mr. J.
Gladstone, W. E.	Moseley, Sir O.
Grey, Hon. Colonel	Palmer, Robert
Greene, T. G.	Parker, Sir H.
Gronow, Capt. R. H.	Peel, Sir R.
Halcomb, J.	Perceval, Colonel
Halford, H.	Penruddock
Hardy John	Ridley, Sir M. W.
Henniker, Lord	Ross, Horatio
Hughes, H.	Sinclair, G.
Hurst, R. H.	Stormont, Lord
Inglis, Sir R.	Stuart, C.
Johnston, A.	Trevor, Rice
Knatchbull, Sir E.	Tyrell, C.
Lefroy, A.	Verner, Colonel
Lefroy, T.	Villiers, Lord
Lennox, Lord A.	Vyvyan, Sir R.
Lowther, Colonel	Watkins, L. V.
Manners, Lord R.	Walsh, Sir J. B.
Martin, J.	Whitmore, E. C.

HOUSE OF LORDS,
Tuesday, July 23, 1833.

MINUTES.] Bills. Read a second time:—Marriages Validating.

Petition presented. By the Bishop of LONDON, from Lyme Regis, for an Aleration of the Sale of Beer Act.

THE BISHOPS.] The Earl of *Radnor* rose to present a Petition from the Political Union of Glasgow, praying that, in consequence of the course which the Bishops had taken recently, on the decision of some most important questions in that House, their Lordships would repeal the Act of Charles 2nd. by which they had been restored to their seats in Parliament.

The Earl of *Haddington* doubted very much whether they could receive any such petition. It applied personally to certain Members of that House; and its prayer was, in effect, that those parties should no longer be allowed to sit in Parliament. And for what?—because they had performed their duty. Surely such a petition ought not to be received.

The Bishop of *Chichester* observed, that the right reverend bench, to which he had the honour to belong, were willing that their conduct should be scrutinized. It was, however, a question of parliamentary form, how far such a petition as this was in accordance with their Lordships' orders.

The Earl of *Radnor* thought, that the petition ought to be received. If the petitioners had referred only to those circumstances which were recorded in their Lordships' Journals, undoubtedly the petition might have been received. He hoped their Lordships would not reject it on account of any informality.

The Earl of *Haddington* must again express his opinion, that the petition was of such a nature, as, in his judgment, precluded their Lordships from receiving it.

The *Lord Chancellor* said, there might be good grounds for refusing the prayer of the petition; but, if a petition were couched in respectful language, — if it were decorous to that House, their Lordships had no right to reject it, unless some specific grounds of objection were fairly stated for taking such a course. It was not a good ground for rejecting it at once, because it reflected on the conduct which individuals had pursued in that House, in their public capacity. No member of that or of the other House of Parliament was privileged from having his legislative conduct discussed. His Majesty's subjects had a right, a most undeniable right, to canvass the conduct of individuals in their legislative capacity. That, however, to which he objected in the petition was, that the petitioners had taken notice of that of which they could have known nothing, without a breach of the privileges of that House. They could not know, strictly speaking, in what manner individuals had given their opinions, or how they had given their votes. If, however, the conduct of a member of the Legislature, in presenting a Bill, for instance, which did come regularly before the public, were animadverted on, however severely, in a petition, still, if it were couched in language decorous to the House, the subject of the petition itself did not oppose a good objection to receiving it. Whatever appeared on their vote, admitted of public animadversion and petition. He certainly, for his own part, never wished to see the day when a respectful petition, with reference to matters occurring in either House of Parliament, to which the public had regular access, should be rejected on account of its prayer, however proper it might be to refuse that prayer.

The Earl of *Aberdeen* agreed in what the noble and learned Lord had said with respect to the informality of alluding to the votes given by members in that House; but he denied the noble and learned Lord's proposition, that any proposition not involving that consideration might be received by the House, provided it were respectfully worded. The noble and learned Lord said, it would be sufficient not to comply with the prayer of any objectionable petition. He differed from that opinion. At present the petitioners confined themselves to calling for an exclusion of spiritual Peers from that House; but they might require the abolition of the House itself, or they might demand that the crown should be taken from the King's head. Now, he asked, could their Lordships receive such petitions as those, however respectfully worded? He contended, that the mere refusal of the prayer of the petition was not sufficient; it ought to be rejected altogether.

The Earl of *Haddington* begged to call their Lordships' attention to one passage contained in the Petition which he thought would preclude the House from receiving it. It alleged, that on several recent and important occasions the Bench of Bishops had evinced, by their votes, an utter forgetfulness of the spirit of the religion which they professed to teach, and that, therefore, they should no longer be permitted the exercise of legislative functions. Such language, he submitted, was not only not decorous or respectful, but amounted to a breach of privilege.

The Earl of *Radnor* said, that as the sense of their Lordships seemed to be against receiving this petition, he would, with the leave of the House, withdraw it.

Petition withdrawn.

CHURCH TEMPORALITIES (IRELAND).] The House went into Committee on the Church Temporalities' (Ireland) Bill.

On Clause 32 (relating to the reduction of Bishoprics) being read,

The Duke of *Wellington* said, that this was a clause to which, as it stood, there were very strong objections, but he thought that it might be so amended as, without injuring the principle of the Bill, to please all parties. It had been observed by the noble Earl, that, but for one or two obstacles, the principle of this clause might have been put into effect by his Majesty, in the exercise of his Royal Prerogative, of intrusting one See *in commendam* to the holder of another. There were objections to this, however, in the articles of the Union, and as regarded the transfer of the temporalities of the See thus intrusted. He (the Duke of Wellington) thought that all such difficulties would be obviated, the full principle of the Bill retained, and all parties satisfied, by the introduction into the clause of an Amendment "to enable the King to grant the Sees of Waterford

and the others proposed to be abolished, as they fell in, to the other Bishops, but surrendering the temporal property attached to these Sees to the Ecclesiastical Commissioners, to be applied to the uses set forth in the Bill." He did not conceive that there could be any objection to this Amendment, which clearly would not make any alteration in the principle of the Bill. The noble Duke concluded by moving an Amendment to that effect.

Earl *Grey* really could not see any material difference between the Amendment and the original Bill. It appeared to him only a different way of doing the same thing. There was no doubt but that sees had been granted *in commendam* by the King, but they had also been granted, *in commendam* by Parliament, and he thought this the more convenient and safer way of the two, generally speaking. Ordering it, an Act of Parliament would leave no doubt of its being carried into operation; but the noble Duke's Amendment merely left it permissive in the Crown to make the grant, "if the Crown should be so minded." That was not the safest way of accomplishing the object Parliament had in view. Some future "King, his heirs, or successors," might not be so minded, —not that there was the slightest suspicion of such a contingency at present; he thought it, on this account, best to make things sure, and leave no room for contingencies.

The Earl of *Wicklow* thought there would be little danger in leaving the grant to the King. The Act itself came before them solely on the ground of the King's Speech; there was no doubt of his good will towards it. What he wanted, was to satisfy the minds of the clergy of Ireland, which he thought would be effected by the noble Duke's Amendment.

The Earl of *Rosse* said, that he had opposed the measure on the second reading, not from any wish to embarrass his Majesty's Ministers, but because he considered the Bill as a direct violation of the Act of Union. The noble Earl on introducing the measure, had stated that his Majesty was barred in some measure by the Act of Union, which recognized the number of bishoprics then in existence, from reducing them; and, consequently, that number could not now be reduced by an Act of Parliament, without a violation of the Act of Union. Noble Lords ought to recollect what they were about before they proceeded with this measure. The noble Earl (Grey) stated, on a former occasion, that there was no difference between the Act of Union and any other statute. Had that noble Earl been as he (Earl Rosse) had been, a member of the Irish Parliament, he would have known that the Irish Parliament at least considered it in a very different point of view. They thought they had the faith of England pledged to its maintenance—they thought they had the faith of the British Parliament pledged to its inviolability—but they had been grievously deceived. Was it, he would ask, for the paltry consideration of pounds, shillings, and pence—was it for the sake of the revenues to be extracted from ten Bishoprics—that a solemn national compact was to be violated? He called upon their Lordships to consider well what would be said in that country, where a desire for a repeal of the Union was rapidly increasing. It was an important fact, which it was now idle to disguise, that both Protestants and Roman Catholics were joining in a cry for repeal. But what would be said by those who were agitating Ireland upon this subject? Would they not say, "the English Parliament consider the Act of Union—not as a national compact entered into between two independent nations, but as an ordinary act that may be altered at their pleasure—then why should not you view it in the same light, and demand its repeal?"—He did not mean to say, that at present such arguments would be sufficient to unite the people upon the question; but the time might come, when England was assailed by a foreign foe, or disturbed by domestic commotion, and then the people of Ireland might retort upon her and say, "You did not consider the Act of Union inviolable, why then should we?" The noble Earl who spoke early in the debate, on the second reading of the Bill, read a passage from the Act of Union in which it was stated, that "it shall be competent for the Parliament of the United Kingdom" to do certain things respecting the revenue of the United Kingdom. And why were these words introduced? clearly because without their introduction it would not be competent for the Parliament to interfere. Now he would ask, in the section of the Act of Union which regulated the rotation in which the Bishops were to sit in Parliament, did it say one word as to the competency of Parliament to reduce their

number ?—He defied any noble Lord to point out the delegation of any such power. Mr. O'Connell, or some such gentleman, whose wish it might be to agitate on this subject, would go through Ireland and say to the people :—"The English Parliament made a solemn compact with you, and now, for the paltry consideration of a few pounds, shillings, and pence, they violate it in one of its fundamental principles—the violation of it, on their part, has dissolved the compact altogether, and you are now as free to choose, as you were before it was originally entered into." It was not now, perhaps, that the force of such an argument would be felt, but assuredly the day would come when it might be used with effect. We (said the noble Earl) who opposed the measure at the time, objected to it because we saw it must increase the number of absentees. We saw that we should lose, by its being carried, the benefits arising from the residence of the principal proprietors of the soil—we saw there were other evils likely to flow from the measure; but we did not anticipate that we should lose our Board of Treasury—our Board of Customs and Excise — our Boards of Stamps, of Imprest Accounts—our Barrack Board—our Board of Inland Navigation—our Board of Works—and almost all our public establishments; but least of all did we anticipate that we should lose ten of our Bishops. Was it, he would ask, the way to cement the Union, to proceed augmenting loss after loss, and heaping degradation upon degradation upon that country? After the Irish had lost their Parliament and lost their officers of state, why proceed further, and heap the uncalled-for and gratuitous insult upon the country, of reducing the number of Bishops ? They were about to reduce two of the Archbishops, and extinguish eight of the Bishops. It was not wise so to act, and the day would come when the country would have to rue it.—Suppose, at the time the question of the Union was under discussion in the Irish Parliament, that he had got up and said, the Union, after it has once passed, will be considered by the English Parliament as so much waste paper—or as nothing more than a Turnpike Act, capable of being altered at a moment's notice—would it not have been objected to him that he was but raising up imaginary results which could never be verified in reality ? If his noble and learned friend opposite (Lord Plunkett) who fought under the same banner, on that occasion, with himself—if either of them had ventured to state, that within forty years of the passing of that measure, ten of the Bishops would be reduced; would any man have believed them? They were taught, at the time, to consider that the Act once passed, it was to be inviolable, and he trusted that the English Parliament, for its own sake, would pause before it ventured to touch the Act on which the Irish nation relied ? The Act of Union recites the order in which the Bishops are to sit in Parliament, and it would be impossible to abolish those ten bishoprics without a distinct violation of the Act of Union. But would their Lordships stop there ?—or would they not rather proceed with the Peers, who sit as representatives in this House ? The Act of Union appointed twenty-eight as the number that was to represent the Irish Peerage; what security had they that the Parliament would not strike off ten from that number? Their Lordships were no more competent to do the one than the other— and it was evident they could do neither without being guilty of a manifest injustice towards Ireland. When Ireland entered into the compact, she was co-equal and co-ordinate with England; she possessed a Parliament as independent as that of England. Give her back that Parliament; but until that were done, their Lordships had not the power to alter a compact to which two nations were parties. In the present instance, not only the Act of Union, but the Coronation Oath would be violated. The Coronation Oath would become a mere slip-knot, to be evaded at pleasure ; and if an oath of so solemn a nature could be violated, what, he asked, would be the effect upon taking of oaths throughout the whole kingdom ? The sovereign's oath was taken in his legislative capacity. The King, in his executive capacity, was already bound ; he could do no wrong—could, in fact, do nothing at all, acting as a mere instrument in the hands of his ministers. Such was the law of the land. Now, what was the meaning of the measure at present before the House ? To bind the King to do something which he was not bound to do before. The noble Earl concluded, by again urging the House to act towards Ireland with justice, let the ultimate consequences be what they might.

The Duke of *Cumberland* concurred in

every word which fell from the noble Earl. So strong, indeed, was his feeling upon this part of the Bill, that had the noble Duke not moved the Amendment, he had intended to tender his protest against the clause. So firm was he in his opposition to the clause, that he would take the sense of the House upon it; for he considered it a violation both of the rights of the Church and of the Act of Union. The blame must be laid at the feet of those who had recommended to his Majesty this measure. The King was placed in a dilemma by his advisers, and he (the Duke of Cumberland) called upon the House to deliver his Majesty from that dilemma by rejecting the present clause.

The Archbishop of *Dublin* said, that no one would be more unwilling than himself to legislate for the benefit of England at the expense of Ireland. But he would remind the House that the object of this measure was not to transfer any part of the Church property in Ireland, to England, it was professedly to benefit Ireland and Ireland alone. He would be the last who would support any measure, the object of which was to benefit England at the expense of any other part of the country.

The Marquess of *Lansdown* said, that the Amendment was nominally intended merely to alter the form of the clause, but in reality, it altered it in substance. The Ministers of the Crown were undoubtedly his Majesty's responsible advisers, and he (the Marquess of Lansdown) would tell the illustrious Duke, that they would not shrink from that responsibility. Neither would they shrink from advising his Majesty to carry into effect the whole provisions of this clause as opportunities for carrying them into effect occurred. The present was one of the utmost importance as regarded the people of Ireland, and the Church itself. The amendment made by the noble Duke was decidedly a matter of substance, and it went to throw that into uncertainty and doubt which at present was fixed and settled. It was on those grounds that he felt disposed to withhold his consent from the Amendment proposed by the noble Duke. He did not intend to follow at full in discussing the clause with the noble Earl who had just spoken; but he begged to ask that noble Earl, whether, in recognising the Act of Union as they both did, the noble Earl could say, that diminishing the number of Bishops was a violation of that Act? A part of that Act says, that the Church of Ireland shall be represented by four Bishops in that House, who are to come in in rotation. Now, he would ask while that rotation was preserved as it was by the present measure, was the spirit of the Act violated? He maintained that not only it was not, but that it was preserved as pure as ever. Those who argue on the provisions of the Act of Union, should look into them, and they would find that they do not provide that the number of Irish Bishops should always continue the same, but that the number elected to represent the whole Bench in that House should be the same. In the election of the Irish Representative Peers, did the Act of Union stipulate that the number elected should continue the same? No such thing. On the contrary there was a provision in it to the effect that the number of lay Peers should be diminished. The spirit of the Act of Union was completely preserved, when the measure provided for the rotation mentioned in that Act, and which Parliament was to preserve. The noble Earl had appealed to the disposition displayed by his Majesty's Government with respect to the interests of Ireland. Now he contended, that those interests were attended to, and when it was complained that offices established by the Act of Union were to be abolished, noble Lords might recollect that even as soon as three or four years after the Union of this country with Scotland, several useless offices were stripped off which became useless in consequence of the Union of Scotland with England. He considered the present Government were showing the best attention to the poor of Ireland, when they were endeavouring to assimilate the institutions of that country with those of England, and to place them on a similar basis. He would not enter into all the topics adverted to by the noble Earl, but he really could not consider as a serious argument the assertion that his Majesty was precluded by the Coronation Oath from concurring with the other two branches of the Legislature in placing the Irish Church establishment on a basis that would be permanent, because it would be satisfactory. Lest his authority on the point should be disputed, he would refer to a speech made by a late noble Earl against the Catholic Emancipation Bill; it was a powerful speech against that measure, and after the noble Earl had expressed several strong arguments against the measure, he expressed his disdain for those arguments against it which arose

out of the Coronation Oath. The noble Earl he referred to was the late Earl of Liverpool, and he was doing little more than using his words on a former occasion, when he said, that all those arguments which had been lately founded upon the Coronation Oath were a tissue of nonsensical assertions. With respect to the argument, that by the Oath the King was responsible in his executive capacity and not in his legislative, and with respect to the conclusion that the noble Earl came to, that the Oath applied to his Majesty in his legislative and not in his executive capacity, or that the Oath was not good against this latter capacity, all he had to say was, that he was sure that in the arguments which Lord Liverpool, Sir Robert Peel, and others adduced against the Catholic Emancipation Bill, they did not mix up this argument of the Coronation Oath, which would in fact weaken the grounds upon which they resisted the measure. His object was, to make the present clause useful and satisfactory to the Church of Ireland—by providing a larger number of careful persons to serve it, and that those parts of the establishment which are useful now should continue permanently so, that the parts which were weak should be strengthened—he alluded to those particularly which related to the temporalities of the parochial clergy of Ireland, who were a most useful body, and to support whose usefulness he trusted he should be aided by their Lordships, as he should certainly be by the people of Ireland and of this country.

The Duke of *Wellington* said, that he had already stated his motives for proposing the Amendment before their Lordships. He proposed it with no sinister and ulterior design, for he considered that, when once the present measure became the law of the land, no Minister would attempt to tamper with it, and he assured their Lordships that he, the humble individual before them would be the last, under any circumstances, to attempt to meddle with it. He certainly should be better satisfied with the measure if the principle were introduced into it upon which the Church hitherto existed, that the Bishops hereafter should, in the same manner as formerly, hold the proposed unions of Sees *in commendam*. In that way they had held Sees since the Church was established, and in that way he felt they should continue to hold them. He would not dispute what had been said by the noble Earl opposite on a former evening, that some of the Sees which had been formerly united were held by Act of Parliament, but he really believed that no such Act existed at the present moment, at least he knew of none. There might be more in the measure as it stood originally than there would be if his amendment were adopted; but he begged to repeat, that if the measure was passed into a law, no Minister could dare to alter it. Besides, he intended to propose another clause, that would render it impossible for any Minister, however bold, to prevent the measure from being put into execution. His proposal was made in the sincerest good faith, and with the sincerest desire to improve the Bill, in order that it might be more gratefully received by those on whom it would act, and he made that proposal without any view hereafter to prevent its execution.

The Archbishop of *Canterbury* was sure that the noble Duke made his proposal without any insidious intention, and he concurred with the opinion of the noble Duke, that the measure ought to be made as beneficial in its effects towards Ireland as possible. He knew from, personal experience, that a strong feeling prevailed among the Irish clergy against having their Bishops appointed or taken away by Parliament. He would not say how far those feelings were well grounded, and whether they might not be founded on mistake, and on a confusion of ideas. But if they thought so surrounded as the clergy of that country saw themselves by Roman Catholics, who would reproach them with having Bishops appointed by Parliament, that alone ought to make the Protestant clergy feel deeply on the subject of having their Bishops so appointed. But they went further, and his real objection to the introduction of such a measure was, that it established a dangerous precedent, since it would enable Bishops to succeed one another, without any of the ordinary forms being gone through on the occasion. But the noble Earl (Earl Grey) said, he had Parliamentary authority for uniting, as the measure proposed to unite, Bishoprics, and the noble Earl mentioned Roll's Index, in which statutes were to be found respecting the union of the diocess of Cashel with Emly, and of Meath with Clonmacnoise. In consequence of that assertion he had caused books to be

searched, and consulted the very best authorities, and he found that no such Acts were in existence. Consequently he could not admit the authority of Acts that where nowhere to be found. They were said to be private Acts of Queen Elizabeth, which was very probable, as he knew her to have been a monarch extremely jealous of the interference of Parliament in the affairs of the Church. He could not account for it otherwise, unless there was something peculiar as to the union of those Sees, to cause them to be treated in a private manner. He conceived, however, that there was no authority for arranging Bishoprics by Act of Parliament, and he should be well pleased if any other method could be found of accomplishing that part of the Bill, without trespassing on the King's prerogative.

The Bishop of *Exeter* said, that after the great length of the speech he had spoken on the measure a few evenings before, he had but one or two observations to make, and one of them was called up by what a noble Marquess said about the opinion of a late noble Earl (Liverpool) respecting the Coronation Oath. It was true that the Earl of Liverpool did declare at the time of the debates on the Catholic Emancipation Bill, that if it should be presented to the King, though he (Lord Liverpool) opposed it, still as a Minister he would not advise his Majesty to give his dissent to the Bill merely on account of the obligations of the Coronation Oath. But in that very same speech the Earl of Liverpool said, that the Oath bound his Majesty in his legislative capacity, and that if anything like a union of Sees was proposed in Ireland, he would not advise his Sovereign to assent to it, since by the Coronation Oath his Majesty was bound to maintain the interests of the Protestant Church; and if his Majesty did give such assent, it would be a violation of the Oath. On the present clause it was not his intention, particularly after the example set him by a most reverend Prelate, to say anything against the general principle of sinking so many Bishops, further than to object to that part of it which appointed whether they were willing or not, Bishops, to the vacant Sees. By this clause Parliament could appoint the Archbishop of Cashel to undertake the duties of the united Sees of Waterford and Lismore, although it was notorious that the most reverend Prelate objected to the measure, and it was proved by a petition presented by him, that he was unwilling to take charge of the Sees imposed upon him by the present measure. The Legislature ought not to have the power of making, and, indeed, could not make the Bishop, who was now Bishop of A, become also Bishop of D, without the consent and will of that Bishop. With respect to the private statutes of Elizabeth, alluded to by the noble Earl, he had consulted Ware, a good authority in ecclesiastical affairs, with respect to the Union of Bishoprics under those statutes, and he found that when those unions in the time of Elizabeth did take place, it was in consequence of a vacancy; and the Act to unite the two Sees left it to the option of the Bishop whether he would accept the increased charge; but here no option was left to the Archbishop of Cashel—he must accept whether he would or not. He appealed to a reverend Prelate behind him, whether if he were the Archbishop of Cashel, with his weight of eighty-five years upon his shoulders—whether he would feel justified before God to undertake the performance of such additional duties. He was sure his reverend brother beside him would not consent. He begged to mention what happened to a right reverend Prelate, the Bishop of Norwich, that right reverend Prelate refused a high situation in Ireland, because at his advanced age he considered that he could not discharge the duties of the office offered to him. That was good of him, and became his well-known conscientious character; but after refusing, would it not be monstrous for him to be compelled, by Act of Parliament, to take upon him additional duties? He had already alluded to his venerable friend beside him. Now if the present Bill should become the law of the land, and the Archbishop of Tuam should die before his venerable brother, he would be made to become, by Parliament, Bishop of Tuam, the largest diocess in Ireland, and perhaps as large as any in England. That the right reverend Prelate should be forced to become Archbishop of Tuam by the Bill, must be an oversight of the framers of it, and if the consequences of it should be such as he presumed they would be, he was sure their Lordships would repudiate it. By the Bill the Archbishop of Dublin would be obliged to undertake the duties of the diocess of Kildare, which was to be appended to his See. In the next place,

the Bishop of Killala, whose feelings, as was notorious, were against the present measure, and who was prevented from coming to that House to raise his voice against it by physical infirmity—who was upwards of ninety years of age, and who had for many years discharged the duties of a large diocess, and still continued to do so, because he was so well acquainted with that particular diocess, would have if the proposed measure passed—he saw that he would have Tuam, and not, as he had erroneously stated, that it would be his venerable and reverend friend near him. So that Tuam, a diocess extending in length seventy-seven English miles, and in breadth sixty-three, and consequently larger than the diocess he (the Bishop of Exeter) held in this kingdom, would go to a right reverend Prelate now upwards of ninety years of age. The Bishoprics of Killaloe and Kilfenora were to be united with Ardfert. Now the diocess of Killaloe was one hundred miles in length, and the present Bishop was eighty years of age; and yet the diocess of Kilfenora was to be added to its duties. The fourth instance he should mention was that of the Bishop of Ossory. It was notorious that they, in that House, lost that right reverend Prelate's zeal and presence, on account of his extreme illness; and yet the present Bill, if it should pass, would fasten upon him, if he should survive the Bishop of Ferns, the additional duties of that diocess. Two dioceses would be added to the one he now held, and each of the same size with it. He contended that Parliament had no right, no authority, to make Bishops enter upon the discharge of duties which they would be unwilling to perform. With respect to Peculiars, he had heard of a Bill about to be introduced that would make Bishops charge themselves with the duties of the Peculiars within their own diocess. That would not be an argument to the objections he had just then raised; but on the contrary, those objections would be fatal to that measure, if it should be proposed. He had heard with great satisfaction the noble Marquess near him say, that it was the intention of the promoters of the Bill to make provision for the poorer clergy out of the revenues of the more opulent—that would be a change which he had no doubt would afford the most perfect satisfaction to the people of Ireland.

The Bishop of *Clonfert* said, that the provision just spoken of would give the greatest satisfaction, and be productive of the most beneficial effects. But as to the proposed reduction of the number of Bishops, he certainly could not give that his support.

Lord *Plunkett* said, that those who acceded to the Amendment of the noble Duke, agreed to the principle, that the number of Bishops ought to be gradually diminished, and that was the principle of the Bill. It had been argued, that the change which the Bill went to effect would prove nothing less than an infringement of the Articles of Union, and a violation of the Coronation Oath. Upon this he had only to observe, the Amendment of the noble Duke was also a violation of both, and that upon that ground there was nothing to choose between the Amendment and the original clause, for the one was just as great a violation as the other. He, as well as his noble friend on the other side was in the Irish Parliament before the Union, and with his noble friend—whom he should still continue to call so, notwithstanding some political differences—he anticipated results from that Union which certainly had never been realized. Both of them had anticipated, that Ireland would have heavily suffered by the change. Fortunately, they had both been disappointed; and it would now become the duty of every man in the country to oppose to the uttermost any attempt to dissolve that Union; and he was sorry to hear his noble friend say, that there was a growing tendency in Ireland towards the dissolution of that Union. He much regretted to hear his noble friend make such a statement, for he was enabled to affirm from his own experience, that so far from there being any tendency of the sort, the feeling of the people was quite otherwise. The great body of the rational part of the community were desirous rather of cementing than of dissolving such a Union; regarding with decided hostility any such chimerical project as that of dissolving a connexion alike beneficial to both countries. It appeared to have been argued, that by the Articles of the Union, it was not competent to the Legislature to alter the share which Ireland was to possess in the representation of the country, or the number of seats enjoyed by Irish Prelates in that House. It surely could never have been the intention of the Legislatures of both countries in that day, to bind

themselves and their successors irreversibly. Had there even been any nation mad enough to contemplate anything so absurd? It was perfectly true, that there were in the Union, as in every such measure, certain fundamental principles agreed upon; but be it remembered, that the present Bill did not touch the doctrines or the discipline of the Church, or the religion of the country, in any way whatever—it dealt with the revenues and the temporalities of the Church, but with nothing more; and he would take leave to say, that nothing would more advance the interests of that Church than alterations having a tendency both to improve the condition of the people and render them satisfied with the Church. In the present state of the public mind it would be in the highest degree dangerous to hazard the rejection of the Bill. It really was a most gratuitous assumption to take for granted that the Articles of Union stood in the way of any such measure as that then before their Lordships. Had they not dealt with the representation of the country? And if the Articles of Union could stand in the way of anything, it would be in the way of an alteration of that nature; but no man in his senses could deliberately persevere in urging such an argument. The Union with Scotland was quite as sacred as that with Ireland; yet the Union with the latter country destroyed the proportion between the several parts of the representation, and was as much against the letter—though not certainly against the spirit—of the Articles of Union, as any other change that had taken place from that time to the present. He would contend, therefore, that the Articles of Union formed no obstacle to the present measure.

The Earl of *Harrowby*, after stating, that he wished to remind their Lordships of the real subject under discussion, observed, that the noble Duke near him had not pronounced any opinion as to the number of Bishops which ought to form the episcopal body in Ireland; he merely suggested a better mode for carrying the objects of the Bill into effect. There was one very serious and important consideration on the subject, to which, in an especial degree, he wished to direct the attention of their Lordships. There was a large and most valuable portion of the clergy of the Established Church, who entertained strong and most conscientious scruples against submitting themselves in ecclesiastical matters to a Board composed partly of laymen, the nominees of the Crown. He was sure that the House would not unnecessarily or wantonly do anything to insult the feelings of that excellent body—a body which the Church in Ireland could ill spare at any time, and least of all in times like the present. He should vote for the Amendment.

The *Lord Chancellor* said, that the Bill made the consolidation of certain bishoprics, as they became vacant, compulsory on the Ministers for the time being—it left them no option; whereas the Amendment of the noble Duke, would, if agreed to, permit the Ministers, if so minded, to recommend, instead of the incorporation provided for by the Bill, that the vacant bishopric be filled by some excellent and learned and pious friend of his, who for good and episcopal reasons ought to be inducted into the vacant see. He contended that the Amendment of the noble Duke gave them no security whatever that any one bishopric would be abolished. It would leave that question dependent on who might be Ministers. The noble Lords who were now ready to consent to the consolidation of some sees, might not be always so disposed; and if they said, they should be always so minded, they claimed for themselves a greater insight into futurity than he was disposed to give them credit for; and assumed to themselves more sagacity than he attributed to them. The noble Duke might be always disposed to act in the spirit he had described; but if the law were left optional, could the noble Duke answer for whoever might be Minister? Could he answer for the illustrious Duke, should he have to advise the Crown? or would it be consistent with the opinions held by the noble Earl who spoke last, to advise the Crown to consolidate the bishoprics? He contended, that those who would vote for giving the power to the Ministry, must, out of common consistency, if they would act plainly, vote for the clause as it stood, which would do that by Act of Parliament which they would leave to be done or not to be done by the Ministers. It would be more wise, more straightforward, more open, to vote against the abolition of any one bishopric, than to reject the clause which would abolish it by Act of Parliament, while they would leave it to be abolished by the power of the Crown.

The noble Lords might say, that they would give power to the Crown to abolish the bishoprics, because they had no confidence in the present Ministry; but he could not understand that argument when used by those who would give any power to abolish them at all, and yet would vote for a clause which would place that power in the hands of the Crown, instead of voting for the clause which would abolish those bishoprics by Act of Parliament. One great objection against the optional clause proposed by the noble Duke was, that the country would have no security whatever, the people of Ireland would have no security, the Church of Ireland would have no security, that any reduction would be effected. It would be optional with the Ministry for the time—uncertain, slippery, delusive, illusory, not to say collusive; and he would warn their Lordships against it, and invite them to give it, as he meant to give it, his most decided opposition. Let their Lordships look at the situation in which it would place the King. With respect, for example, to the Coronation Oath. He would not then go into the arguments which had been stated on that subject; he had before given his opinion, and that opinion had been confirmed by all he had heard; but he might remark, that the opinion of the late Lord Liverpool, which had been referred to by a right reverend Prelate, was much stronger than that right reverend Prelate seemed to suppose it. He had gone to the fountain head, and he must say, that the language of that noble Lord was much more strong and expressive than had been quoted. The noble Lord had said, "As to the arguments on the Coronation Oath —they were all a pack of nonsense." He would not, he said, then enter into the arguments on the subject of the Coronation Oath; but if he embraced the opinions, concerning the obligation of that Oath, of the noble Lords opposite—if he were the firmest of all sticklers for that Oath,—he should not know how to vote for the clause of the noble Duke in preference to the clause as the Bill now stands. Why, the Coronation Oath, must, in that case, be continually violated—there must be a conflict on the subject of the Oath on the suppression of every bishopric—the Coronation Oath must be broken ten times —it would be violated whenever a bishopric became vacant. Why, if the Bill were a breach of the Coronation Oath, which he did not say, the Amendment of the noble Duke would only compel the frequent violation of it. Again, if it were left optional, the decision would not be the result of calm and deliberate judgment; but of intrigues at Court—of intrigues in the Cabinet, and in Parliament, and out of Parliament—it would not be the result of any principle, but it would be made a party and personal matter. Only this thing would be certain, that there would be much uncertainty—much inconvenience—and much injury to public business. Finally, and principally, he objected to the Amendment, because it would frustrate the great object of the Bill. It had been said, that the clause was creating a Bishop by Act of Parliament, which an Act of Parliament was unable to do. But certainly it was a most gross abuse of language to call the consolidation of sees, and the requiring one Bishop who was already there, who was consecrated, and already fulfilled the duties in one see, to fulfil the duties in another—it was a gross abuse of language to call that creating a Bishop by Act of Parliament; but even if it were so, the thing would not be without a precedent. Laws had passed making Bishops in the West-Indies and Canada, and there was now a Bill before the other House of Parliament, to the substance of which their Lordships had, in a Conference, given their assent, which went to create two Bishops in India. He did not understand, therefore, how those who had assented to that measure could object to this Bill, that it created Bishops by Act of Parliament. Some persons said, also, that several of the English Sees were too large, and some were too small. Perhaps they were. He did not say, that some of the smaller bishoprics, particularly the Welsh bishoprics, might not be consolidated, and some of the larger ones divided, but those who contended for that were strangely inconsistent in objecting to this Bill, for how could any one See be divided, or any two be consolidated but by Act of Parliament? They both denied the authority of Parliament and demanded its interference. One more objection which had been made to the clause, and to which he would reply was, that it would throw very onerous duties on those Bishops who were to be called on to take charge of additional Sees, and it was compelling them to do

these duties whether they liked it or not, and which they might be unable to perform. There was much said about the difficulties this would impose on the Bishops, but, whatever they might be, he wished their Lordships to remember, that the whole of them would be as completely felt, and all these objections as exactly applied to the Amendment of the noble Duke, as to the clause as it stood. But all the evils complained of might come in the course of nature. An old Bishop may grow infirm, and, in relation to his infirmities, the duties of the one See might be as onerous as the duties of two Sees to a young and healthy Bishop. But when he heard so much of the duties to be imposed on the Irish Bishops, he naturally looked to the number of benefices. He had heard something said of the Archbishop of Tuam having 11,437,000—he supposed souls; but no, they were acres, and acres, many of which, being mountain and bog, never would have any inhabitants; but though this Prelate had so many acres, the pastures or benefices he had to look after were only forty-three. And to these forty-three it was proposed to add, when the time came, thirty-one more, making in all, when united with Clogher, only seventy-four benefices, while one diocess in England contained 1,100 or 1,200 benefices. He had never heard anybody say, that the Bishop of the diocess which contained 1,200 benefices, was overburthened with work. He for one thought the diocess might be too large, extending from the Thames to the Humber; but take the small diocess of Norwich, which had at least 300 or 400 benefices [The Bishop of *London* said, it had 1,100]. He was told there were 1,100; and would any man say, that the bishopric of Norwich ought to be divided? He had never heard that said, and never heard that the beloved, the adored, the venerated Bishop of Norwich, had complained that he had too much duty to perform, or that any person had complained of his duties not having been done. He did not feel, therefore, the force of that argument which was grounded on the additional duties to be imposed on some Irish Bishops. As respected the provision to be made in case of the Bishop of the See to which another was to be united, being aged and infirm, that was an objection which might apply to bishoprics at present without any additions. He would conclude by re-asserting, that if they agreed to this Amendment, they would go as near as they could to destroy the efficacy of the Bill. The Amendment would utterly nullify the whole principle of this great measure—a measure so cordially agreed to by the other House, and which came before them so warmly recommended in the speech from the Throne. Every vote in favour of the Amendment involved the peace, the prosperity, and the safety of the Church.

The Earl of *Harrowby* said, that after the long and desultory speech of the noble and learned Lord, he was sure that their Lordships would indulge him in a few observations in reply to it. He could not recollect all the epithets which the noble and learned Lord, fertile as he was in the accumulation of synonymes, had applied to his conduct, but he supposed they might be all expressed in the plain English terms, that his conduct on this occasion had been the contrary to fair dealing. Now, he would ask their Lordships, whether the attempt which he had made to preserve the regularity of the debate, and to state the real question before the Committee, could be said to be inconsistent with fair dealing? He would maintain that he had put the question on its right footing. His intention in supporting the Amendment was, to make the clause as little objectionable as possible. He had no desire or intention to defeat the Bill by a side-wind.

The *Lord Chancellor* said, he had not characterized the conduct of the noble Earl as inconsistent with fair dealing; he had merely applied the terms which he had used to the grounds on which the noble Earl, and other noble Lords, supported an Amendment which, as it appeared to him, was proposed with the view, and which certainly had the tendency, entirely to frustrate the objects of the Bill.

The Bishop of *London* would make this suggestion to their Lordships. The Bill as it stood placed at the disposal of Parliament, the temporalities of those Sees as they fell vacant. Why, then, should not Parliament at once make a prospective disposal of the temporalities of those Sees, leaving it to his Majesty, if he should think fit, to consolidate the Sees with other Sees as they fell vacant? He was quite sure, that if the Sees in question should be prospectively divested of their temporalities as they fell vacant, there would be no fear that his Majesty would not carry into

effect the intention of Parliament in not filling them up.

Earl *Grey* said, that after the speech of his noble and learned friend (the Lord Chancellor), which, though it had been characterised by a noble Earl as desultory, appeared to him to be one of the clearest and most convincing arguments that he had ever heard, he had no disposition to address their Lordships, feeling that he could not add anything to what had fallen from his noble and learned friend; but as this was a question of infinite importance—for he considered that it was a question absolutely decisive of the efficiency of the Bill, it appearing to him that if the Amendment should be carried, the Bill would be good for nothing—he wished to address a few observations to their Lordships. In the first place, he begged to repeat what had been just stated by his noble and learned friend, that the proposition made by the right reverend prelate (the Bishop of London) was of a totally different nature from that of the Amendment moved by the noble Duke. He did not see much objection to the right reverend Prelate's proposition, but he preferred the clause as it stood in the Bill, as being simpler and better. With respect to the Amendment proposed by the noble Duke, it was one that went to leave at the discretion of the Crown—that was to say, of the Ministers of the Crown—the future execution of this measure. The Amendment was, in fact, in its very terms, discretionary; for its words were, that "in case his Majesty shall be minded," &c. Now, the meaning of that was, that the measure should be carried into effect when certain circumstances arose, if the Minister of the day should so wish. It was said, that his Majesty would no doubt carry into effect the intentions of Parliament on those Sees falling vacant; but they must look to what changes might ensue in the course of time. It was very probable that they might have another King with other advisers—Ministers who would think it their duty, as they had heard that night, to advise his Majesty not to give effect to a measure which, on its passing, they had denounced as a violation of the Coronation Oath. He considered that the effect of the Amendment proposed by the noble Duke would be to destroy the whole efficiency of the Bill. If other Ministers should come into office who considered the measure a breach of the Constitution—a violation of the Coronation Oath—they could not, as honest men, assist in carrying it into effect; and, therefore, it was, that he should object to leaving it to the discretion of the Crown, to carry into effect such an important portion of the present Bill. He would repeat, that if the alteration proposed by the noble Duke in the clause should be adopted, it would, in his opinion, be fatal to the Bill. As to the case which had been supposed—of a See falling vacant, and the duties thus devolving on an old and infirm Bishop, to whose See the vacant See would be united—it was one for which a remedy could easily be provided. In framing the measure, he had really never imagined that any Bishop in Ireland would refuse to accept the duties of a See thus falling vacant. The case that had been supposed might be remedied by the appointment of a coadjutor, to perform the duties in the diocess so falling vacant, who should succeed the aged and infirm Prelate on his death, and have the superintendence of the two united dioceses.

The House divided on the Duke of Wellington's Amendment—Contents 76; Not-contents 90: Majority 14.

The Clause agreed to.

The Clauses to the 48th were agreed to; the House resumed; Committee to sit again.

HOUSE OF COMMONS,
Tuesday, July 23, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. Secretary STANLEY, an Account of all Parishes in Ireland containing fewer than thirty Protestants, &c.—On the Motion of Mr. JOHN ROMILLY, an Account of all the Fees and other Emoluments received by each Clerk in Chancery, during the last year.—On the Motion of Mr. ROBERT STEUART, the Names and Description of the Persons Employed under the Commission to Inquire into the State of the Municipal Corporations in Scotland, the Instructions they have received, and the Remuneration proposed for them.—On the Motion of Mr. SPRING RICE, part of a Treasury Minute relative to Appointing Provisional Commissioners of Stamps in Ireland.

Bills. Read a second time:—China Trade; Troopers Fund.

Petitions presented. By Mr. HALCOMBE, from the Planters of Jamaica, to be heard by Counsel before the Committee on the Slavery Abolition Bill.—By Sir RICHARD VYVYAN, from Bristol, against the Rating of Tenements Bill; from the Sugar Refiners of the same Place, for Allowing the Importation of Foreign Sugar for the Purpose of Refining.—By Mr. Alderman WOOD, from the Livery and others of the City of London, for Shortening the Duration of Parliaments; by Mr. GILLON, from the Western District of Stirlingshire, to the same effect, and for Vote by Ballot.

HIGHWAYS' BILL—STATUTORY LABOUR.] Mr. *Shaw Lefevre* brought up the High-

ways' Bill, as recommended by the Select Committee. On his Motion to that effect, it was read a first and second time.

The House went into Committee on the Highways' Bill.

On the last paragraph of the first Clause, relating to the abolition of the Acts for Compounding of Statute Labour, being put,

Mr. *Henry Handley* said, that it was with some regret he felt himself called upon to object to the passing of the first clause of the Bill, at least of that part of it which repealed the Statutes now in existence. He thought there was much difficulty in framing the Bill so as to meet the general necessities of the country; and that there ought to have been two Bills, one to apply to places of large population, and the other to the agricultural districts. As the law now stood, the farmer had the privilege of performing in kind his proportion of expense in the repair of roads; and one of the Acts proposed to be repealed authorised the surveyors to give four days' notice to the farmer, who would then have to provide a cart, three horses, and two men, to work for eight hours on the road. But the present Bill provided, that the farmer should contribute his proportion in hard money; by which he would not only lose the privilege of performing statute labour, but would be obliged, perhaps, to pay money towards the hire of his neighbour's horses, whilst his own were idle in the stable. Indeed, it would enable the surveyor to exercise a prejudicial system of favouritism. The law was well enough as it stood, and all he asked of the Committee was, not to take from the farmer the little boon he now possessed. He would move, as an Amendment, the adding of the following words to the clause: "excepting such enactments as relate to statute labour."

Major *Handley* fully concurred in the observations of the hon. member for Lincolnshire. If carried in its present shape, the Bill would be an oppressive and meddling piece of legislation. He would not have objected to the first clause, if its operation had been confined to parishes having 1,000 inhabitants and upwards.

Mr. *Shaw Lefevre* agreed with the hon. Member who had moved the Amendment, that the Bill was more applicable to parishes of large population than to others; but the measure had now been for three or four successive years before the House, and it should be disposed of. He himself represented a district purely agricultural: and, although he admitted, that populous places would be most benefited by the Bill, he felt assured that it would also be of much advantage to others. When statute labour was first instituted, the roads were made and repaired in a very different manner from the present. By the improved mode a greater number of labourers, and fewer carts were employed, and the present Bill would tend still further to the employment of labourers. He hoped the Committee of the whole House would take the same view of the case as the Committee up-stairs, and negative the Amendment.

Sir *Oswald Mosley*, as a Magistrate, said, that great inconvenience had been felt throughout the country for a long period, owing to the present system, which had been a great source of jobbing. He had, in his magisterial capacity, seen great iniquity arise from it, from the connivance between particular farmers and surveyors, by which not only was injustice done to other parties, but while one part of the road was kept in repair, other parts were retained in a state of dilapidation. He was convinced, that if, instead of statute labour, a highway rate were raised, and the surveyor to have the power of agreeing with the farmer for the hire of teams, and to contract for manual labour, justice would be better administered to the public, and the roads would be kept in better repair. In many large towns, he believed—indeed he knew it was so in Manchester—so great an evil was felt from statute labour, that it had been compounded for, and a highway rate levied instead of it. As to the hon. and gallant officer's (Major Handley's) assertion, that the Bill was a mischievous piece of legislation, he begged to dissent from it, and to assert, that it was a most complete and beneficial piece of legislation. He should oppose the Amendment, and give the Bill his cordial support.

Lord *Granville Somerset* thought the Bill well calculated to destroy the system of favouritism which at present prevailed on the part of surveyors. He had assiduously attended the Committee, and to this clause given most particular attention. The law, as it at present stood, was subject to great objections; but the extent of power vested in the Magistrates did away with the objections complained of, as they had the power to levy a rate when applied to. The present Bill went to relieve the small farmers, who were certainly most aggrieved. He (Lord Granville Somerset)

did not mean to call the Bill now under discussion perfect, but it went a great way to lessen the grievances complained of under the old system. Many instances had come under his own knowledge, where the small farmer was benefited by the employment of his teams, and he did not object to lend them out for the purpose of repairing the roads when required by the surveyor so to do; and in fact there were many days in the year when it would benefit him to have them employed for that purpose, as the farmer had no immediate occasion to use them. But it was not to be expected that the farmer should like to pay a cess levied on him for the use of teams, when his own remained unemployed. The Bill, he conceived, was a very great improvement on the old system.

Mr. *Sandford* said, if the small farmers could appoint a day themselves on which they would work out their statute labour, it would be very well; but that was not the case; they were bound to go out when called upon, and that might be at the most inconvenient time. He therefore preferred an equalized rate.

Sir *Matthew White Ridley* said, no Bill had received more consideration in Committee than the present one under discussion. If the House made the composition compulsory, it would be acting in opposition to the true interests of the farmer, for jobbing occurred where composition took place. One instance he would relate. The surveyor purchased two carts, which he worked himself, and the expense of them was levied on the parish by composition; this was unjust to those farmers who had teams of their own unemployed; and there was great difficulty to discover frauds. In another case, the best road he ever knew in his life was made by the surveyor employing his own teams, and advancing the money out of his own pocket—a composition to defray his expenses was levied on the parish, and that parish remained in his debt for upwards of seven years.

Mr. *Henry Handley* said, that the effect of the clause, as it stood, would be to place a tax of 15*l.* or 20*l.* on the small farmers, and they were already too much borne down with their burthens to bear any additional imposts.

Amendment withdrawn; clauses to the thirteenth agreed to; the House resumed; Committee to sit again.

DURATION OF PARLIAMENTS.] Mr. *Tennyson* rose to move for leave to bring in a Bill for shortening the duration of Parliaments. In doing so, he said, he was aware of the great difficulty he imposed on himself, and could not but feel that he had undertaken an arduous task, in rising to attempt to persuade the House to come to a conclusion that must have considerable effect on the legislation and Constitution of the country. He owed some explanation to the House of the reasons which had induced him to originate such a Motion. It would be recollected, that when the noble Lord opposite brought forward the Reform Bill in 1831, he stated, it was not the intention of his Majesty's Government to originate any Motion on the subject of the duration of Parliaments. The noble Lord alluded to the questions of Vote by Ballot and of shortening Parliaments, and stated, that having considered those subjects, Government had come to the resolution not to touch either of them, and, therefore, the noble Lord left it to some other hon. Member to bring the question forward, should it be thought expedient to do so. The noble Lord added, that should any Member think fit to bring it forward, he should be ready to deliver his opinions upon it, and he (Mr. Tennyson) was certainly very anxious to hear what those opinions were. It would be found, by referring to what the noble Lord said on that occasion, that he did not shut the door against the Repeal of the Septennial Act. On the contrary, he said, that he thought it a subject well deserving attention, and that the only difficulty was, what ought to be substituted in place of Septennial Parliaments. It was most desirable that the House should not regard this as a party question, but as a question of strict constitutional importance; and he (Mr. Tennyson) entreated the House and his Majesty's Government to come to the consideration of the subject with that calmness which ought to regulate their conduct in the disposal of every important question. He was not influenced either by popular feeling in favour of his proposition, or by the prejudices which existed in many quarters against it. He looked neither to the right nor to the left, but would do that which appeared to him to be right. It was well known, that since the passing of the Septennial Act in 1716, an opinion had prevailed that a general corruption had taken place, both within the walls of that House, and in the community at large. And he would venture to say, that it was now the general, if not the universal conviction among all

classes, that the term of seven years was too long for the duration of a Parliament. In the course of the 117 years which had elapsed since the passing of the Septennial Act, there had been twenty-two Parliaments; being an average duration of rather more than five years for each. Fifteen, however, of those Parliaments had occupied ninety-one years; thus averaging above six years each. Before the time of Henry 8th Parliaments seldom lasted for more than one year; and after that period, with a few exceptions of long Parliaments, which exceptions had occasioned the Triennial Bill of 1694, Parliaments had been of short duration. He was by no means disposed to contend that the liberties of the people of England were altogether dependent on the duration of Parliaments. But he was prepared to maintain, that the people of this country had a right to a good Government; and that if the Septennial Act was injurious to good Government, it ought to be repealed. During a period of six years (which he took as the fair duration of a Parliament under the Septennial Act) the whole circumstances of the country might undergo an extensive alteration, so that any understanding which might have existed at the commencement of that term between a representative and his constituents would become perfectly useless. A shorter term, therefore, ought to be fixed, in order that the Representative might be sooner sent back to ascertain the wishes of his constituents, and to answer to them for his conduct. He was not prepared to say, that the peculiar state of the country in 1716 did not justify the passing of the Septennial Act. His quarrel with it was, that being passed for a particular purpose, it was extended to all future Parliaments. It was the opinion of the late Mr. Fox, and of the present Lord Chancellor (in which opinion he completely concurred), that the circumstances of the time had rendered the Septennial Act necessary. There had just been a rebellion, and the parties to that rebellion were watching to see how, by money or otherwise, they could so operate upon an approaching election, as to forward their object. That was the reason stated by the Duke of Devonshire, in the House of Lords, when he introduced the Bill. The preamble of the Bill distinctly referred to the circumstances which had rendered it necessary. The words were: "That at this juncture, when a restless and Popish faction are designing and endeavouring to renew the rebellion within this kingdom, &c." Such a reason might be valid in 1716, but it was no longer of any force. He admitted, however, the difficulty of fixing upon the term of duration which would be most advisable. It appeared to him to be a principle that Parliament should be short enough to permit the Representatives to recollect the wants, wishes, and necessities of their constituents, and the professions which they had themselves made; and also to recollect that they must soon render up an account of their conduct. At the same time he admitted, that it was an equally important principle that the term should be long enough to enable the Members of the House to pursue a steady and consistent course; but not so long as to extend the period beyond which it would be morally and physically impossible for the constituents of that House to foresee what might be the state of public affairs before its termination. There was, on the Records of Parliament, a most extraordinary protest, that of thirty noble Peers, in 1716, against the Septennial Act, which powerfully depicted all the evils which that Act tended to inflict on the country. To that protest he would refer hon. Members. After the experience of three Septennial Parliaments, in 1731 a Motion was made in that House for the Repeal of the Act; and one of the most interesting debates followed that ever took place within the walls of Parliament. The result was, that the Motion was negatived by a Majority of only sixty-three. Sir John St. Aubyn, who seconded that Motion, described very effectively the evils which had resulted from Septennial Parliaments. Subsequent to that time there were numerous Motions for Annual Parliaments, down to the Motion on that subject of an hon. Baronet in 1818. At length the corruption both of the House and of the people became so extreme, that some attempt at remedy could no longer be delayed; and happily, under the auspices of the noble Lord opposite, the great object of Reforming the Parliament was accomplished, to the public satisfaction and joy. But the work was only half done. In the declaration of the Friends of the People in 1792, signed by Mr. Grey (and he had not the slightest intention to state this invidiously), and other distinguished individuals of that period, it was declared, that that association had been formed for the purpose of promoting the two following constitutional objects:—First, to re-

store the freedom of election, and a more equal representation of the people; secondly, to secure to the people a more frequent exercise of the right of electing their representatives. A petition to that effect was presented from the same body in 1792, to the House of Commons. Let the suffrage be most extensive, and the exercise of it most pure, yet such was the frailty of human nature, that, when a man found himself seated in that House for seven years, his sense of responsibility became considerably weakened, and he was left accessible to all the various attacks of corruption. It was in consequence of its being apparent that long Parliaments were bad Parliaments, and that short Parliaments were good Parliaments, that the Triennial Bill was passed in 1693. From the passing of the Septennial Act the public debt had been increased from fifty to 800 millions. In the Administration of Sir Robert Walpole, which speedily followed, was laid the foundation of that debasement and corruption which had ever since disgraced the House. He would not pursue the inquiry through the subsequent periods, being unwilling to offend any party or any individual; but it was well known, that both the great political parties in the State had availed themselves of the corruption which he had described, and had governed by what was called Parliamentary influence. The Septennial Act held out temptations to corruption which few men could withstand. Even the interests of the Monarch suffered by it. The prerogatives of the Crown would be safer with short Parliaments than with long ones; for long Parliaments were calculated to produce disunion between the Sovereign and his people. This was especially pointed out in the Triennial Act, drawn up by Lord Somers and other great men. The preamble stated, "that frequent and new Parliaments tend very much to the happy union and good agreement of the King and the people." He now came to consider what would be the most advisable duration of Parliaments. Some thought five, others four years. His hon. friend, the member for Middlesex, who would second his Motion, thought that three years would be the best term. For himself, he could only say, that he should be happy to receive any suggestions on that point. If he were left to his own judgment, he should certainly concur with what appeared to be the general sense of the people; and he adverted particularly to the petition which had that day been presented by a worthy Alderman, in favour of Triennial Parliaments. But he kept his judgment open to conviction on that subject. The Bill for which he should move was simply to shorten the duration of Parliaments. It would consist of two parts; the one repealing the Septennial Act—the other assigning the term to which the existence of Parliaments should henceforward be restricted; the blank for which term, however, would be left to be filled up in the Committee on the Bill. If they wished to admit the people to a fair and full participation in the Government, they would at once accede to his proposition. If they desired to give a full effect to the great principles of the Reform Bill, they would support him on that occasion. Satisfied was he, that if in this and some other points the Government would only, considerately and wisely, yield to the people, there was no country under the face of the sun where greater sacrifices for the national honour and the national weal, not only as regarded property but as regarded life itself, would be more cheerfully made. Most heartily did he agree in the observation which had been made on a previous occasion by the noble Lord, the Chancellor of the Exchequer, that there was in England a sound and strong feeling of attachment to the Law and the Constitution. No man during the last twelvemonth could boast more intercourse, and, consequently, more experience amongst his countrymen than he could—an intercourse metropolitan as well as rural—agricultural as well as commercial—and he felt satisfied, that there was amongst them not merely a strong but an irrevocable attachment to a monarchical form of Government, and a disposition to pay to the ancient Aristocracy of the country every deference and respect, so long as they showed themselves anxious to uphold the just rights and the acknowledged privileges of the people. There were, however, some points still left which the people were most anxious to achieve, and this was one; for it went to restore one of those clear and much-prized rights which the wisdom and firmness of their forefathers had left to them. It had been sought for under the old Parliament, and if it failed of a favourable consideration in this, disappointment would be deep and universal indeed. He would conclude by moving for leave to bring in a Bill to shorten the duration of Parliaments.

Mr. *Hume* seconded the Motion. He thought that Ministers had displayed a sound discretion in not connecting the question of short Parliaments with that of a reform in the representation; but he had expected that they would have taken the first opportunity of introducing this subject to the notice of the Reformed Parliament. He was convinced that if they had taken up the matter they would have placed themselves in a most enviable situation, and produced the greatest satisfaction throughout the country. He admitted the expediency of the enactment of the Septennial Act in 1716, but he thought that it ought not to have been permitted to outlive that expediency. He had no hesitation in saying, that he was in favour of Triennial Parliaments; and he regretted, that his hon. friend had not fixed in his Bill three years as the period for the existence of Parliament. In doing so, his hon. friend would have acted in accordance with the feelings of the people, and every measure which was intended to have a beneficial effect ought to be in consonance with the public opinion. He was one who did not think that change was desirable, unless it was accompanied by some advantage; but he believed that the shortening of the duration of Parliaments would be attended with the most happy results, by making the representatives of the people more sensible of their responsibility, and, consequently, more intent on the discharge of their duties. Besides, it could not be denied that the people were desirous of obtaining short Parliaments; indeed, it was a fact, that the mischiefs produced by the Septennial Act had made the people, in their desire to avoid one extreme, fall into another, and demand a return to annual Parliaments. In America the Parliaments lasted for two years only, and the consequence was, that a good understanding always existed between the representatives and the people. This never could be the case if the duration of Parliament was extended to seven years; for, before the expiration of that period, the representatives would begin to lose sight of the interests of their constituents, preferring to pay obedience to the dictates of the Minister of the day, rather than to act in accordance with the wishes of the people. Hence arose all those abuses which had crept into every institution of the State, civil, military, and clerical, and which would continue unreformed, so long as the Members of that House were released by the long tenure of their seats from the control of their constituents. Whatever might be thought within that House, the people out of doors were most anxious to see the reform already effected carried still further; and it became the Members of a Reformed Parliament not to show themselves regardless of public opinion. The noble Lord opposite, on accepting office, declared, that the Administration were determined no longer to carry on the Government by means of patronage and influence, but to act in accordance with the wishes of the people. He questioned whether the noble Lord felt himself to be so well backed by public opinion at the present moment as at the period when he made that declaration. He had no intention to cast any reflections on the noble Lord, or upon the Administration of which he was a Member. They no doubt had many difficulties to surmount, but he believed that the majority of the nation, having narrowly watched the proceedings of the present Session, were of opinion, that the reformed Parliament had not answered its purposes. Under these circumstances, it would be unjust towards the people not to give them an opportunity of expressing an opinion on the conduct of their representatives until the expiration of six years from the present time. He thought it was an unfortunate thing that Ministers should have a yielding House of Commons rather than one which would judge and decide for itself, and this he regretted to say was the fault of the present House. In order to remedy this defect the most effectual means would be by short Parliaments, and in this respect he thought the Motion of the right hon. Gentleman worthy of the most serious consideration of the House, as regarded the House itself, as regarded the great body of their constituents, and more especially as regarded the good government of the country at large. There could not be a more effectual control over the proceedings of their House than by short Parliaments, without which the measure of reform would be incomplete. He would not now enter upon the question of the ballot, on which Parliament had already decided; but he could not but think that its introduction into our system of elections would be most beneficial to the country. The Ministers might for a time continue to hold their places, but unless they promoted the measures which were called for by the wants and wishes of the people, they could not expect to occupy for any length of

time their present situations which the noble Lord (Lord Althorp) himself had once declared they could fill only with the view of carrying measures of Reform.

Lord *Althorp* said, it was certainly true, that his noble friend (Lord John Russell) in introducing the subject of a Reform in Parliament, had entirely separated from it the question of the duration of Parliaments; and, therefore, he was not about to argue as if any gentleman, by what took place at the period he referred to, was pledged or precluded from discussing, freely and fully, the Motion then before the House. Nor did he intend, though it was his duty to state his own views, to call for the opinion of the House directly upon the subject, but rather to beg their attention simply to this question. Was it desirable to enter on the consideration of such a subject—one which he might term a second edition of the Reform Bill—on the 23rd of July. This he really thought would be sufficient reason for every Gentleman, whatever might be his opinions, reserving himself at the present time. For no one, whatever his opinions or wishes might be, could be sanguine enough to hope to have such a measure as this carried without experiencing a great and determined opposition—such a one, indeed, as would preclude the chance, under the best auspices, of its being passed in the present Session. Therefore he thought it would be a great inconvenience to all parties to enter upon such a discussion at that period of time. He had said, and he thought it his duty to state it, for he had no wish to conceal his opinions, that he supported a proposition for shortening the duration of Parliaments, and that support he should now give if the Parliament was at this time in the same state in which it was when he made the declaration. He thought at that time that the influence of the people in that House was below what it ought to be. That too was the ground on which he had supported Parliamentary Reform. He thought then, and he thought still, that the proper Constitution of that House required that it should truly represent the feelings of its constituents; and when the circumstances of the House were such that a large proportion of the Members represented only themselves, it was proper that by the shortened duration of Parliaments, the constituency should exercise a greater influence over them than they then did. But at the present moment, from all he knew of the feelings of Members of that House, and all he knew from his own feelings, from having represented large bodies of constituents for many years, he was convinced that such Members did feel most sensibly the influence of their constituents. He appealed to any Gentleman in that situation, to say if it was not so. The right hon. Gentleman had taken a most extraordinary mode of getting at the average duration of Parliaments. He had taken all the long Parliaments, and leaving out all the short ones, because there was something peculiar in the reasons for their dissolution, he found that the average was between five and six years. If he had taken all the Parliaments together, he would have found the average to be between three and four years. He was ready to admit, that the Parliament did not then represent the feelings of the people as it ought. He knew that the hon. member for Middlesex said, it did not do so now. He believed, that Gentlemen on that side were much given to think that the opinions they entertained were exclusively the opinions of the people. He did not think they were quite right in that belief, and on such a subject it would suffice to ascertain whether the people were on the whole satisfied with the conduct of Parliament. Now he believed, that the conduct of Parliament had been satisfactory to the people, notwithstanding it had not in every instance come up to the unlimited expectations of the first Reformed House of Commons. Indeed the expectations thus formed were in many cases such as circumstances rendered it impossible to gratify. He did not think that the shortening the duration of Parliaments, as recommended by the hon. member for Middlesex, and the right hon. Gentleman would, if adopted, be advantageous to the people. It was perfectly true, that great reliance ought to be placed on the honest feelings of the people, when they had time to consider any subject, yet there were periods at which they were carried away, and when, if the duration of Parliaments were much shortened, they would have a frequent and inconvenient opportunity of indulging their own feelings to their subsequent regret. He did not think, that the effect of the alteration from seven to five years would be much, and that such a change would, in fact, be for change sake. On these grounds he should object to the Motion. He did not think that the proposed change would have the effect of diminishing the expense of the elections, or lessening the spirit of the contest. The election of 1818, though according to every

human probability the life of George 3rd could not last through the whole seven years, was as expensive and as hotly contested as any other. The same was the case with the election of 1831, although it was known that the Parliament would not last more than a few months; but he should not insist on that instance, because there were very particular circumstances attending that election. The period of three years would be too short—it would derange the fixed and steady march of public affairs. For that reason he could not advocate the proposition of the right hon. Gentleman. He would not, however, call on the House to come to a decision that night, but to reserve its opinion till a future time. They might postpone it to another Session of Parliament, when they would have more time and better opportunity to consider it. If the measure were brought forward in the ensuing Session, and then agreed to, it would have the same effect as if agreed to now. If the Motion was pressed at the present moment, it would lead to no satisfactory result, and for these reasons he would sit down by moving the previous question.

Mr. *Cobbett* did not agree with the noble Lord as to the propriety of delay. If it were necessary that the thing should be done, the sooner it was done the better; and he thought there were good reasons why it should be done now. The country was not too well satisfied either with that House or with his Majesty's Ministers. If this Motion were carried, it might go far to restore the confidence of the people in that House, and, if possible, reconcile the people to his Majesty's Ministers. The noble Lord said, that his opinions had once been in favour of shortening the duration of Parliaments, but that the Reform Bill had altered the case. Why should that alter the case? In the petition of Lord Grey, in 1793, after proposing more Reforms than had now been granted, Lord Grey said, that even those Reforms would not do, without shortening the duration of Parliaments, and quoted the preamble of the Triennial Bill in favour of the argument. Again, in 1796, Lord Grey made a Motion for Parliamentary Reform, and proposed such a Reform as had now been granted; but he did not neglect at the same time to insist on the necessity of shortening the duration of Parliaments. When the present Reform Act was brought in, the question was left open. Why should it not now be determined? Did they recollect that, but a few weeks ago, the noble Lord, the member for Devonshire told them that he was restrained from introducing measures that he considered essential to the welfare of the people and to their happiness from a fear of a collision with the Lords. He (Mr. Cobbett) had never said anything so bad of the Lords as that. But they need not dread any collision in this matter, for here the people and the Lords were on one side and that House on the other. Let that House but carry up to the Lords such a Bill as that now proposed, and he would venture to say there would be no collision; there would be a bidding between the two Houses to see which should be forwardest. There were two points on which he did not agree with the right hon. Gentleman. The first was, that the right hon. Gentleman would be content with Triennial Parliaments. He could not be contented with anything less than returning to the old English custom of having a Parliament every year. The right hon. Gentleman, the Secretary for the Colonies seemed to think that an argument against granting the change to Parliaments of three years. He could not help it; he thought it better to say what he meant. He was sure they should not get this change now; but he knew that "bread thrown upon the waters would return after many days;" and he thought that, if the people wished to have it, the sooner they made a demand for it the better. He agreed with the noble Lord that seven years were just as good as five; if they went beyond three years they went much too far, and he thought they were going too far if they went beyond one year. He differed from the right hon. Gentleman as to the origin of the Septennial Bill. The right hon. Gentleman said, that it was brought in with a view to take care of the liberties of the people—that they were afraid of another rebellion—that they were afraid of giving Popery a handle, to put an end to the glorious revolution then lately effected. It was no such thing; it was done with a view to keep the plunder they had got—the plunder of the Church; they were afraid that plunder would be taken away from them, for it was too near the time when they got it for them to feel safe in possession of the plunder. He would not characterise the acts which had been done in that House; he was afraid to do so while he was within its walls and under its roof. The most infamous thing—the base apostacy itself—changing three times between Catholic and Protestant, was not

equal to the turpitude of this Bill. The law was positive that the Members should only sit there for three years, and yet they had dared to give themselves authority to sit for four years longer. The present Parliament might, with the same justice, enact that they would sit for seven years, or for the natural life of any Member amongst them. The Parliaments had been usurpers from that day to this, and they, as inheritors of that usurpation, were usurpers themselves. He would not give much for the lawyer who could not prove, as clear as day-light, that the laws they passed under that usurped power, were as void as those of Cromwell and the Long Parliament. To say that they should carry this Motion, was what he did not believe, but he should vote in favour of it. He would wish the Motion carried further, but though it went no further, it should have his support.

Sir *Edward Codrington* said, that he should support the Motion. He was well satisfied to get rid of the Septennial Act upon any reason whatever. When they came to consider the other part of the Motion—namely, the time at which they intended to fix the duration of Parliaments—he should prefer five years; first, because he thought that the sense of the country was in favour of that Motion; and next, because that Motion was more likely than any other to be carried. As to the proposition for Annual Parliaments, he was convinced that the majority of the people were against such a change; and that throughout the country the hon. Member opposite would find himself in a minority on that point. He trusted that the first part of this Motion would be carried, and when it was, and when the Bill was introduced, and they came to consider the time at which the duration of Parliament should be fixed, he should propose five years.

Sir *Samuel Whalley* would vote for the Motion as essential to render the Reform Bill complete. That the Septennial Act should be repealed, he thought nobody could entertain any doubt; and the next question, therefore, for them to determine was, what was the period to which Parliament should in future be allowed to extend. He could not agree with the hon. and gallant Member who had just taken his seat as to the sense of the country being in favour of the term of five years; but upon the subject of Annual Parliaments, he thought there was some misapprehension arising necessarily from the doubtful light thrown upon this matter by the old records. He did not know that it was established that there were Annual Parliaments in the present sense of that expression, but he believed that, according to the ancient practice, Parliaments were elected for each particular occasion; and as it not unfrequently happened, a Parliament sat only one year, when it was dissolved, and on the next occasion another Parliament was summoned, sat, and was dissolved in the same manner. That frequent Parliaments were necessary, no one who had read the history of his country, and had become acquainted with their profligacy in past times, could doubt. He need not, however, speak of their profligacy in past times, for it was but recently that they had seen a Parliament—this very Parliament—lavishly voting away millions of the public money. They had voted it away as lavishly as a ruined debtor who was in despair as to his ability to pay. The hon. Member quoted the opinions of several writers who had declared the Septennial Act a breach of trust, and then went into a historical detail of the various changes introduced by Statute into the duration and mode of convening Parliaments in this Kingdom. He afterwards observed, that when the Triennial Bill was introduced, it had been passed *pari passu* with the Bills for granting the supplies for that year—a circumstance which warranted him in saying that it was a compact between the people and the Court Party, by means of which they settled their long-existing differences as to the duration of Parliament. But even that Bill itself admitted the necessity and expediency of short Parliaments, the people having found that for their advantage not only should Parliaments sit often, but new Parliaments should frequently be convened. The preamble stated that "the frequent meeting of new Parliaments (it was that to which he wished to call their attention) tended much to promote harmony between the King and the people." The hon. Member then quoted the sentiments of Sir W. Wyndham, who argued in favour of short Parliaments, in order that the sentiments of the people might prevail, fools be turned out, and knaves hanged. There being no longer any competitor for the Throne, and the present dynasty being seated firmly thereon, a more favourable opportunity could not be afforded for the change proposed in the Motion. He agreed that Annual Elections would be so frequent as to teach the constituency of the country to regard them with apathy, but Triennial Parliaments he

thought the precise medium which ought to be adopted. Adverting to the last election and its result, supposing the system of direct pledges to be bad, he presumed that no man would insist that the electors ought to make no inquiry into the characters and sentiments of the candidates; but the great topics of Catholic Emancipation and Parliamentary Reform having been settled, the only question now was, as to the extent of the measures, financial or remedial, that should be adopted. He did not well see where the line of inquiry, on the part of the constituency, was to be drawn. Any Member, after his election, might find good and conscientious reasons for changing his opinions; and in such a case the electors ought to have a speedy opportunity, if they thought fit, of changing their Representatives. When the right hon. Baronet, the member for Tamworth, (Sir Robert Peel) brought forward the Catholic Relief Bill, he estimated the opinion of the country on that question according to the votes given by the Members for counties and large towns. Where the two Representatives of a large constituency voted for the measure, he called upon the House to infer that the population which those Members represented were favourable —if the two Members voted against the Catholic claims, he concluded that their constituents were unfavourable to the measure, and when one of the Members voted for, and the other against, the measure, the right hon. Baronet's inference was, that the constituency of those Members had no opinion on the question. Now, to apply this method of calculation to more recent events, he believed the House, and more especially the noble Lord (the Chancellor of the Exchequer), would agree with him that there was no grievance with respect to which the inhabitants of the metropolitan boroughs were so united—which they considered so oppressive, and which they were so anxious to get rid of, as the Assessed Taxes. Yet, according to the estimate of the right hon. Baronet (Sir Robert Peel) on the Catholic question, the inhabitants of the metropolitan boroughs had no opinion at all as to the repeal of the Assessed Taxes. As regarded the Members for four of the metropolitan boroughs, and also for the borough of Southwark, on the Motion for the repeal of the Assessed Taxes, half voted one way and half the other, though he did not think he took upon himself too much when he asserted that a vast and overwhelming majority of the population of those places were most anxious for the repeal of those taxes. That House was the great inquest of the nation, and if it turned a deaf ear to the complaints and prayers of the people, it would produce the greatest of national evils, for it would lose the confidence of the public. It was impossible, he thought, for any man not to feel that the House had already greatly sunk in the opinion of the people. It had frittered away the confidence of the people, and showed that it more respected party feelings than national interests; and nothing could so much tend to restore confidence as the adoption of the Resolution, which would show, that the Members were ready to give an account of the talent committed to their charge. It would show Europe that the Commons of England sought only to promote national happiness, to advance the cause of civilization, and to render this country not only the emporium of universal commerce, but the temple of universal liberty.

Mr. *James Kennedy* could not agree with the noble Lord that there was nothing in the present state of affairs which urged upon the House the necessity of agreeing to this Resolution. He asserted, that if there was any question deserving the attention of the House, it was this; for on it every other question depended. If this Motion were passed, it would have an influence upon every other question which came before Parliament, for hon. Gentlemen would then be influenced by a strong feeling of what they owed to the interests of their constituents. He should consider it as one of the worst omens for the future fate of the country, if the House should agree to the Amendment of the noble Lord. That House had fallen of late considerably in public esteem. When he offered himself in December last to his constituents, he had done so in the hope that he should be able to support those Ministers who had stepped out of the ranks of the aristocracy to give to the people that Reform, which, though it was but a measure of justice to which they had a right, was considered by them in the nature of a boon. No one was at that time more friendly to his Majesty's Ministers than he was; but when he heard the address proposed to the Throne, and when he saw the subsequent measures, he felt it to be his duty to fall into the ranks of the Opposition, and he believed that on the second occasion on which he had been obliged to recur to his constituents he had been returned to Parliament under the express understanding that he should be

found in the minority. When the people asked the present House of Commons what it had done for their benefit, what answer could it give in reply? He could not conceive what answer hon. Gentlemen might be inclined to make, but he thought that the people would say to them, "You have done nothing but what your Tory predecessors did before you; your opposition to their measures was but a factious opposition, for you have adopted the principles of all of them. Your Reform Bill is nothing but a robbery and a delusion—a robbery on those who had converted a public trust into a property, and a fraud upon those who wished to convert that property again into a trust." Looking at the little which the House had done either for the financial relief of the country, or for improving the administration of justice, or for ameliorating the condition of the poor—looking also at one or two of the measures which the House had passed to the injury of its character—he was most anxious that it should support this measure, in order that it might regain the vantage-ground which it had lost. He knew that the House had been accused of talking too much, and doing too little; but he should have cried shame on the House, if it allowed many of the measures of Government to pass without opposition, and shame on the Irish Members, if they had permitted the Coercive Bill to pass in silence. He was afraid, that though this Parliament might be called the first Parliament of the Reform Bill, it could not be called the first reformed Parliament. He contended that Ministers would not do their duty if they did not consider the effect which would be produced, not upon that House, but upon the country at large, by their having a majority on this question this evening. Whigs as they were, he thought they durst not follow the example of their predecessors of the last century—they would not dare to prolong the existence of the present Parliament, and whenever this Parliament was dissolved, he was certain that the people would take warning by the past, and would no longer place their confidence in men who had deceived them.

Lord *John Russell* felt himself compelled to address the House upon this occasion. The right hon. Gentleman had called upon him to state his opinions upon this subject, averring that he (Lord John Russell) had carefully avoided explaining his sentiments upon it during the discussion on the Reform Bill. The right hon. Gentleman had placed him in a situation of some difficulty with respect to this question; for if the right hon. Gentleman had made a distinct proposition that there should be either annual, or triennial, or quinquennial Parliaments, he should then have had that which he had not at present—a definite proposition, to which he could have addressed himself. He could fairly meet such a proposition; but when the right hon. Gentleman proposed that the duration of Parliaments should be for a blank number of years—when he proposed to send the House to sea with sealed orders, which were not to be opened till the House got into Committee—and when he further proposed that some Gentleman should then propose to us what the future duration of Parliament should be—the right hon. Gentleman laid a difficulty on the House in dealing in any way with his vague and indefinite proposition. He knew how to deal with the proposition of the hon. member for Oldham, who had declared himself so strongly in favour of annual Parliaments. He would say at once distinctly, that as much as the hon. member for Oldham was in favour of annual Parliaments, so much was he against them. They could not coexist with our mixed monarchy. He held annual Parliaments and our mixed monarchy to be incompatible with each other, and holding that they could only exist with a democratic republic, he must oppose them with all his ability. Let the House, however, examine the propositions which had been made to it by other hon. Gentlemen in the course of the debate. The hon. member for Marylebone had told them, that at one period of our history, Parliaments did not exist for more than one year. That he believed to be an historical error, notwithstanding the authorities which the hon. Member had quoted in support of it. The authors of the Triennial Bill were not, however, so bold as the hon. Member; for they merely stated that new and frequent Parliaments were beneficial to the commonweal. The hon. Member had heaped abuse upon the Ministers of George 1st, alleging that they were the worst Ministers noticed in our annals. To suppose that the most distinguished Whigs, who had acted under Queen Anne, in the most glorious period of our history, and who had hitherto been considered as the best and wisest of our statesmen—to suppose, he said, that those Ministers, hitherto considered among the best, ought now to be classed among the worst of British Ministers, was to make a supposition, which, if it was a truth, was a truth which had not yet been discovered

by the world at large. The hon. Member, in support of his opinion, had quoted the works of Archdeacon Coxe. Now, though Archdeacon Coxe was a man of research, he (Lord John Russell) had yet to learn that as an historian he was a man of great authority. He might make the same remark with regard to another of the hon. Member's authorities – he meant Belsham. Last of all, the hon. Member had quoted as a great authority Dr. Smollett, who found fault with the Septennial Act, for that which had hitherto been considered its chief merit—namely, its retaining the race of Brunswick on the throne. Nobody could be surprised that Smollett, whose Jacobite stanzas on the state of Scotland after the rebellion of 1745 were worth all his history, should have given such an opinion as the hon. Member had quoted; but that was no reason why his opinion, when quoted to those who were not Jacobites, should be entitled to any peculiar weight. But, said the hon. Member, "the Parliament which passed the Septennial Act was guilty of a great wrong, when it continued its own existence for more than three years." As that Parliament was chosen for three years, it might be a question as to their right to extend their existence. It was, however, a question which, under the circumstances, he was inclined to decide in their favour. They lengthened the duration of their own existence as an extraordinary act, and they justified it upon the ground that it was absolutely necessary to support the Protestant succession, and the liberty of the country. Whatever doubt, however, there might be as to their right to prolong their own existence, no doubt could exist as to their having authority to fix the duration of all Parliaments to come after them. The very Motion which the House was then discussing, proved that they had a right to entertain the question how long a Parliament should be permitted to exist. As to the general question of the duration of Parliaments, though the right hon. Gentleman had not told them what his opinion was, still he had no hesitation in stating the grounds on which he thought that the long duration of Parliament was to be preferred to a short duration. It was the constitution of this country, that the House of Commons should have in its hands the purse of the country, and thus should have in its power the control of the supplies. It was consequent upon that power, that it should have in its hands the whole power of the country. Now, what was the power of the Crown as opposed to the power of the House of Commons? The power of the Crown consisted in that part of its prerogative which enabled it to dissolve Parliament at its pleasure. Now, if after a dissolution the same House of Commons should be returned as before, there was no further check on the power of the House; it became supreme; and thus the people, by selecting two Houses of Commons with the same feelings and opinions, became the supreme Directors of the State. There being, then, this enormous power in the people, it was necessary that the Crown should have some power to counterbalance it. If triennial Parliaments were established, that is, in point of fact, of two years' duration, the Crown would not have the power left to it of choosing the time of dissolution. There must then, be dissolutions of Parliament from time to time, and you would thus get, not the deliberate and consistent opinion of the country—which he thought ought in all cases to be supreme—but an opinion formed under the chance of misapprehension, and error, and passion, and delusion, and you would thus place the Constitution in a state of jeopardy, without any balance by which it could be protected. That was a constitutional reason why the Crown, as a balance to the power of the democracy, should have the power of choosing the time of dissolution, and of saying that, as the opinions of the people appear to be firm and settled, such and such a time was a fit period for coming to a new election. Now, if you have a Parliament with a fixed term of duration, you give the Crown the power of making such a choice; but if you reduce the term of its duration to two or three years, you take away such choice altogether from the Crown. He was now speaking as one who wished to preserve the Constitution as it existed at present in King, Lords, and Commons. He did not wish one of the estates to overwhelm the other, but he wished that the Crown, as trustee for the people—the House of Lords, as trustees for the people—and the House of Commons, as the representatives of the people, should all conduct themselves harmoniously together. That was the result of his deliberations for many years on this subject, and therefore it was, he thought, that the alteration of our present system to triennial Parliaments would be complete destruction of the mixed constitution of this country. With respect to limiting the duration of Parliament to five years, he admitted, that there were some advantages

in that plan. If he had to frame an abstract Constitution, as had recently been the case in France, he should certainly prefer the term of five to that of seven years. Living, however, as he did, under a Constitution which was already formed, he did not see any advantage likely to result from altering the duration of Parliament from seven years to five, which would be equal to the inconvenience of making the change. He complained that the hon. member for Oldham had misrepresented what had fallen from him on a former occasion. The hon. Member had quoted an extract, not from an authorised version of his speech, but from a report of it which had appeared in the public journals. Now, he begged the hon. member for Oldham, whenever he did him the honour to quote, either in his speeches or in his writings, any opinions or words of his (Lord John Russell's) to take pains previously to ascertain whether those opinions and those words were opinions and words which he had actually uttered; he begged the hon. Member also, as he had the opportunity of hearing, and, therefore, of knowing what he (Lord John Russell) did say, not to take the representations of the daily journals as the words actually spoken. He had not spoken of measures that were "essential," but of measures which would be "useful" to the people, when he had made the statement that certain measures had not been introduced for fear of a collision with the House of Lords, and he had to complain that those words, which were not mere shades of expression, had not been taken down. He never had been the advocate of triennial Parliaments; and, therefore, there was nothing inconsistent in his now expressing it to be his opinion, that the change from septennial to triennial Parliaments, would make Members of Parliament so dependent, not on the settled opinion of the people of England (which he believed to be in general a wise and enlightened opinion), but on their transient and temporary impulses, and would render them so liable to misapprehensions, and false representations and unfounded colourings of their motives and votes, that he believed that a House of Commons living in perpetual dread of such misapprehensions and such misrepresentations, which men would not be wanting to create, could not coexist with the monarchy. He knew that in republican States it had been laid down as a rule that no man should hold office for more than four years; but then it was the principle of a republican government to distrust public men. Such was not the principle either of the English Government or the English Constitution. As he felt himself bound to maintain the Constitution of this country, he felt himself bound to resist this Motion for a change to triennial Parliaments, which he conceived to be incompatible with the existence of that Constitution. The noble Lord concluded by making a brief recapitulation of his former arguments.

Mr. *Sheil* could not help thinking that the commencement of the speech of the noble Lord was strangely at variance with its conclusion; for he commenced by stating that the Motion of the right hon. Gentleman was too vague for him to grapple with, and he concluded by being himself as definite as man could be, by avowing himself the staunch supporter of the Septennial Act. The noble Lord had told them, that in his opinion short Parliaments were incompatible with the Monarchy. Now, he was sure that the noble Lord, with all his historical recollections fresh upon him, could not have forgotten that it was by a long Parliament that the Monarchy was once overthrown; and that, as to short Parliaments being the destruction of the Constitution, we had Triennial Parliaments from the year 1694 down to the year 1716, when the Septennial Act was passed. During all that time no attempt was made to establish a democracy in this country. The questions which agitated the nation were about the family which was to succeed to the Throne, and had not the slightest tendency to subvert the Throne itself. The noble Lord was also afraid of a dissolution during times of excitement, and wished elections to take place when the minds of the people were fixed and settled. Did not that argument come well from the noble Lord and his colleagues in the Ministry? Had the noble Lord so soon forgotten the tenure by which they held their places, and the measure by which the people obtained the Reform Bill? Did the noble Lord mean to say, that on questions of great public interest the intervention of the people ought to be of no avail? If such were the noble Lord's meaning now, against the oratory of the noble Lord he would put the conduct of his Administration—against his words he would array his deeds; for if he (Mr. Sheil) recollected rightly, the noble Lord was the same individual who had once deliberately declared it to be his opinion that the whisper of a faction must be unavailing against the voice of a nation. He recollected also that

the noble Lord, on bringing forward the question of Reform, had declared that he left the duration of Parliaments an open question; but surely if the noble Lord could then consent to leave it as an open question he could not have considered it, as he now appeared to consider it, as a question filled with danger to the Constitution. The project of Reform which the noble Lord had introduced into Parliament was, in all its leading features, the same with that which Earl Grey had proposed in the year 1793, when he presented the petition from the "Friends of the People." That petition contained a clause praying that the duration of Parliaments might be abridged. The prayer of that petition, which was sanctioned by Earl Grey, was upon the duration of Parliaments as vague as the Motion of his right hon. friend. It did not call either for Triennial or Quinquennial Parliaments, and, in alluding to it, Earl Grey said, that he would not discuss the question of their duration; for until the Parliament itself was reformed, he cared not a straw about the length of its existence; for an unreformed Parliament would only be sent back to the patricians who nominated it, and no advantage could be derived from making them more frequently appoint their nominees. The case was, however, widely different at present, and this Parliament, this Reformed Parliament, would be sent back to a people who had a right to receive from its Representatives a large and frequent account of what they had done during their stewardship. The Reform which the noble Lord had proposed was founded on theory, and unsustained by precedent; the Reform which his right hon. friend now sought was not a mere theory, but was a system which was founded on the practice of the proudest periods of our history, and was sanctioned by the best principles of the Constitution. It rested upon the Bill of Rights, in which it was declared, "that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be holden frequently." It rested also on the Preamble to the 6th of William and Mary, in which it was recited, that "frequent and new Parliaments encourage goodwill between the sovereign and the people." The noble Lord appeared to think that they would encourage the opposite effect; in that opinion he contradicted his own illustrious ancestors—in that opinion he stood a strong antithesis to the great Lord Somers. Now, he would ask the House, was the declaration in the Bill of Rights, was the Preamble to the 6th of William and Mary, true? "No!" says the noble Lord, "the great men who effected the Revolution of 1688 were all mistaken; the Bill of Rights must be set aside, and the Triennial Bill must be considered as an error in legislation." They had heard, too, of the Preamble to the Septennial Act: it recited, first, that elections were conducted with great expense; next, that they were conducted with great heats and animosities; and, last of all, it assigned the rebellion which had recently taken place; and as a remedy for these inconveniences, the enactment of the Septennial Act followed. Now, would the noble Lord deny, that the last of these causes was the chief inducement for passing the Septennial Act? It was alleged to be the case, as he had before stated in the Preamble to the act; and in the debates upon it, that point was fully admitted by the Duke of Devonshire, who introduced it in the House of Lords. He would ask the noble Lord whether there was now any rebellion in the country to justify the continuance of the Septennial Act? If the inquiries which had been instituted during the present Session were properly followed up, the great expense of elections would in future be diminished; and as to the heats which elections generated, he thought that they were likely to operate more prejudicially upon the members of a long Parliament than upon the members of a short one; for, if it were true that elections produced excitement among the people, then Parliament must also partake of that excitement, being the representative of the people. The feelings of the people might, however, soon pass away: but the member of Parliament was likely to continue still a partisan. Hence, a great evil might arise from the Parliament thinking one way, whilst the people were thinking another; and out of that, another evil might arise, greater even than a contest between the people and the King—he meant a contest between the people and the Parliament. He therefore contended, that if new and frequent Parliaments were necessary to control the Ministers, new elections were necessary for the people to control the Parliaments. He agreed with the noble Lord, that the power of the House of Commons was now great, and that it had been doubled by the passing of the Reform Bill; but did it follow, that because it was great it was therefore to be of long duration? The noble Lord said—"Its power is

great, therefore it must last seven years." He (Mr. Sheil) said—"Its power is great, therefore let it be short-lived." The noble Lord said "the trust is vast," and he (Mr. Sheil) "let the trustee, then, go the more frequently to the *cestui que* trust, and let him the more speedily pass his accounts. It had been said, "Let us give this Reformed Parliament a trial before we venture to prefer a charge on its constitution." He maintained that it had had a trial, and that it had done enough to warrant a judgment. They were not to judge merely by the number of days it was in duration, but by the number and magnitude of its proceedings. It was a common observation, that men were now better able to form an opinion on the merits of men and measures than they could have been formerly in a much longer space of time, so rapid and crowded was the course of events—so multiplied the number of experiences which enabled them to arrive at a sound conclusion. Let them judge that House by this test—what had they done this Session? Had they not run through the whole cyclopædia of legislation, beginning with their Coercion Bill, and their East and West India Bills, and their Bank Charter, and their Church Bill, and their Local Courts' Bill, not to say any thing of their other important measures, each of which would have hitherto occupied the attention of Parliament one Session. Were not these legislative achievements in themselves enough to warrant their going before their constituents to obtain their verdict on their usefulness? In fact, their whole career was one of portentous velocity—a kind of thirty-statute speed on a rail-road of legislation; and was it not right that the people who enabled them to thus outstrip their predecessors in haste, if not in usefulness, should be also permitted to avail themselves of the improved machinery of time and economy? He called therefore upon the House to do its duty to the country by adopting the present Motion.

Lord *Howick* would vote for the Amendment of the noble Chancellor of the Exchequer. In doing so, he did not feel that he thereby prejudged the principle of the right hon. Gentleman's (Mr. Tennyson's) Motion. The question actually before them, namely, the Amendment of his noble friend, was not a question between Septennial and Triennial Parliaments, but a question of the practical inexpediency of their embarrassing the progress of the several important measures now before the House, by bringing forward, at that late period of the Session, the very complex and difficult, and constitutional question of the duration of Parliaments. He certainly should feel embarrassed if his noble friend's Amendment had the effect of deciding, that seven years should be the period of the existence of Parliament; but as it could not have that effect, he would vote for it. The arguments of the learned Gentleman opposite, if good for anything, went the length of supporting Annual Parliaments—an extremity which he was sure that House would not sanction. The right hon. Gentleman's Motion was most ill-timed and inexpedient. He maintained that they could not too cautiously, and he would say, could not interpose too much delay, in adopting any measure which tended to alter the organization of that House [*laughter*]. He understood that sneer; it implied that this opinion was not consistent with his support of the Reform Bill. He maintained he was perfectly consistent; for the Reform Bill went merely to remedy the rotten borough abuses of a century's growth, and restore the representative system of the country to its ancient character, and that Reform Bill was the result of the most careful and long-weighed consideration on the part of its framers and Parliament. But could that be predicated of the present Motion? Certainly not; it being evidently brought forward without any previous examination whether the Reform Bill had answered its expectations, or otherwise,—whether it had solved the problem of a faithful representation of the wants and interests of the people. Indeed, the right hon. Gentleman's case was founded on the conduct of unreformed Parliaments, and therefore was not fairly applicable to that Reformed House of Commons. What object did the right hon. Gentleman hope to attain by bringing it forward at that most ill-judged period? He feared it was the result of restless and irritable desire to bring himself before the public—to have himself talked of by his constituents. He would not, however, impute such motives to the right hon. Gentleman, though he was at a loss to imagine what, except some such desire, could have induced the right hon. Gentleman to bring forward the Motion at that period of the Session.

General *Palmer* said, that no Member of the House could feel more strongly, or acknowledge with more sincerity than he did, the obligation of the country to his Majesty's Ministers, for their great measure of Reform. But it was obvious, at the time the struggle for that measure was going

on, that the true essence and real value of it was the recognition that Reform was not Revolution; that it was within the Constitution; that time could not sanctify wrong; and that it was consistent with the powers of the Legislature to rectify abuse, and restore the right, although the right had been long lost sight of. It was this healing and saving principle in the Constitution that made the Reform Bill valuable; that obtained for it many of its supporters in that House, and the general voice of the people without. It was, nevertheless, seen, that the details of the Bill were far from being perfect, and putting its opponents out of the question, it had not satisfied its friends; being considered by some too democratic, and by others too aristocratic, and there was still the same honest difference of opinion. It was, therefore, clear, that the measure was defective, and, to speak the truth, it was a mass of expedients unconnected in themselves, and unsupported by any general principle. The true principle on which representation ought to be founded, and which, as he had stated on the Reform Bill, must eventually be adopted, was contribution; for, without repeating his arguments, he must repeat his assertion—that every contributor to the taxes, however humble his station, ought to have a vote in the election of the person intrusted with the serious and important duty of imposing burthens on his fellow-subjects; and not only should he have a vote, but be enabled to give that vote according to the dictates of his own understanding, uninfluenced by favour, and unassailed by corruption. To effect that object, he had voted for the Ballot, although, in justice to its opponents, he admitted the honest prejudices of real Reformers against it, and that the majority of its friends considered the Ballot an evil only to be resorted to as the remedy for a greater evil, but for which was not the true remedy. The true remedy for the evil, which, in his humble opinion, could not wait for the Ballot and Triennial Parliaments to cure it, was a total change in the system of taxation—by the repeal of all taxes affecting all articles used or consumed by the productive industry of the country, and substituting in their place a tax on property alone—for in this case, property alone would be entitled to a vote in the elections of Members to that House, and industry being thus relieved from the burthens that oppressed her, would no longer seek to interfere in them; but so long as that House persisted, and most unwisely, as he thought, in the present system of revenue, the voice of industry must be heard, and heard she would and ought to be, uninfluenced by favour, and undeterred by fear. For these reasons, and to compel the Government to a Property-tax, which, in relieving the labouring classes from taxation, would be the only honest means of preventing Universal Suffrage, he had voted for the Ballot, and must now vote for the present question. He held in his hand, and a copy of the same work was, he believed, in the hands of every hon. Member, a recent publication of Mr. Heathfield's, which, with that Gentleman's previous works on the subject had fully convinced him that it was not only just, practicable, and easy to relieve the nation from the burthen of the Public Debt without destroying any of the great interests of the country, but that this relief might be given greatly to the benefit of every description of property, by the adoption of Mr. Heathfield's plan. He, therefore, most humbly, but earnestly, appealed to the Aristocracy, comprising the great majority in that House, who, notwithstanding all the fears and predictions of the consequences of the Reform Bill by its opponents in the late Parliament, were still the Representatives of the people, to read Mr. Heathfield's publication, and adopt his plan. Adverting to the circumstances which had caused the present Government to decline in popularity, he (General Palmer) observed that nothing had been so unfortunate as the appointment of a right hon. Baronet to the situation of Secretary at War. Accustomed to that right hon. Baronet's ultra-radical speeches, the people naturally expected extensive measures of Reform from his Majesty's Government, after the right hon. Baronet had joined them. But what was the result? The right hon. Baronet, on taking office, forgot not only his own principles, but even those of the Whigs; and in the case of the Bath election, the circumstances of which, in justice to himself, he begged shortly to state—

Mr. Secretary *Stanley* spoke to order. When his right hon. friend, the late Secretary at War, was in that House, and when notice was given of a Motion respecting an alleged unconstitutional interference in the election at Bath, his right hon. friend declared himself ready to meet any charge which might be brought on that subject. An hon. Gentleman opposite, who had presented a petition complaining of the circumstances, was, he (Mr. Stanley) believe satisfied, that there was no foundation

for the charge: and after his right hon. friend had declared his readiness to meet the charge it was withdrawn. Under these circumstances, he put it to the gallant General whether, his right hon. friend not being now in the House, and the subject of the Bath election being quite irrelevant to the question under discussion, it would not be more in conformity with what he was sure would be the gallant General's deliberate determination on such a subject, not to proceed.

General *Palmer* said, that after what had fallen from the right hon. Gentleman, he certainly would not proceed, although, if he were to go on, he thought he could show, that the case in question was not so irrelevant to the subject under discussion as the right hon. Gentleman supposed.

Mr. *Robinson* observed, that the noble Lord objected to vote, on the ground that he did not feel called upon at present to give an opinion on the subject, but that he might do so hereafter. Now he begged to ask the noble Lord, if the Motion were rejected that night, whether the rejection would not have a most baneful effect with respect to his Majesty's Government on the constitution of another Parliament? The noble Paymaster of the Forces opposed the Motion on another ground. That noble Lord opposed it on the ground, that its adoption would be tantamount to a subversion of the Constitution. He had never heard a speech in that House so contrary to all the previously expressed opinions of the speaker, as the speech which had that night been delivered by the noble Paymaster of the Forces. Did the noble Lord recollect, that when it was urged by the enemies of the Reform measure, that it was an innovation upon the Constitution, he and his colleagues had maintained, that it was a restoration of the Constitution, and not an innovation upon it? So it was with respect to Triennial Parliaments. Their adoption would be a restoration of the Constitution, and not an innovation upon it. All that the right hon Mover contended for was, that the House should pronounce an opinion that Septennial Parliaments were too long; leaving the question of the preferable duration to be afterwards determined. In the present state of the country, when, he believed, there was no set of men prepared to take the reins of government if his Majesty's present Ministers were to quit office, he was sorry to see them pursue a course of conduct which, coupled with the declaration made by the noble Paymaster of the Forces, he was sure would greatly depreciate them in the eyes of the country. He had not heard a single sound objection to shortening the duration of Parliaments. As to the term to which they ought to be limited, he was for making it three years, because that was a restoration of the Constitution, and, therefore, less liable perhaps to objection than any other term. But let not the House, let not his Majesty's Ministers deceive themselves. The opinion of the country on the proceedings of that night would be, not that the question was whether Parliaments should be triennial or of any other diminished length, but that the course pursued by the noble Lord, coupled with the speech of the noble Paymaster of the Forces, was a declaration made by his Majesty's Government in favour of Septennial Parliaments.

Lord *John Russell*, in explanation, said, that the hon. Gentleman had imputed to him that he had said, that Triennial Parliaments would be subversive of the Constitution. "Now" continued the noble Lord, "I beg to say, that I did not intend to say any such thing, and I believe I did not say so. What I said, or meant to say, was, that the establishing by law, that Parliaments should have but three years' duration, which practically would be two years, was incompatible with the maintenance of the mixed constitution of this country. This is my fixed and maturely considered opinion, and as the right hon. Gentleman (Mr. Tennyson) has pressed me to speak my mind, I will not attempt to conceal it." It was his opinion as an individual member of that House, at the same time he thought it right to say, that if the question was merely one as to the abstract superiority of five or seven years' duration of Parliament, he would vote for a five years' duration; but that was not the Motion before the House, which he had therefore resisted upon the grounds he had stated.

Mr. *Milnes Gaskell* contended, that the great men who had passed the Septennial Act in the reign of George 1st, were far better qualified than the hon. member for Oldham (Mr. Cobbett) could be, to judge of the necessity of that measure. There could be no doubt that the original passing of the Septennial Bill was a great stretch of legislative power, but that did not affect the right of framing a prospective Act, and as far as related to the duration of all future Parliaments, the Parliament of that day had as undoubted a right to extend their duration as the present one had to shorten it. If they had not, it would follow, that

not the Septennial Act only, but the Triennial Bill itself, to which the right hon. Gentleman (Mr. Tennyson) invited them to recur, was also an unconstitutional measure. It had been said, that the Septennial Act was only intended to meet a great national emergency, and that, when that emergency had ceased, the Septennial Act should have ceased too; but at the time in which they were called upon to discuss this question, it was, in his opinion, comparatively unimportant, whether it was a temporary measure forced upon its framers by mere temporary exigences, or a great constitutional measure which they meant to have a permanent existence. The question they now had to solve, had reference only to its practical effects, and if those effects were beneficial, it would be most unwise in that House to repeal it. It had been contended, that the people were entitled to frequent Parliaments upon the score of ancient usage, but nothing had been said to show, that the phrase, frequency of Parliaments, referred so much to the frequency of their being chosen as to the frequency of their being summoned together. It was true, indeed, that Acts had been passed to prevent their long intermission, and that, the 4th and 36th Edward 3rd, as well as the 16th, both of Charles 1st and Charles 2nd, recited, that Parliaments were to be often held, but they nowhere recognized the principle of frequent elections, which, he believed, was not laid down before the passing of the Triennial Act in the 6th year of William and Mary. The complaints that were made against the Stuarts were not, that they continued the same Parliaments too long, but that they summoned no Parliaments at all, which no doubt was a great practical grievance, but it was one which could not be charged upon the Sovereigns of later times. He thought, too, that before the right hon. Gentleman called upon them to abandon the present system, he was bound to point out some benefit which had been derived from short Parliaments during the time they were in operation, but he could scarcely refer for that purpose to the disgraceful Treaty of Utrecht, or to the corruption which had prevailed to so great an extent throughout the reign of Queen Anne. He did not understand the argument, that Triennial Elections would operate as a check upon bribery, because, unless they could divest electors of the disposition to be bribed, it would surely be a most unwise course to place increased facilities in their way. There was another species, however, of bribery, which was still more demoralising in its effects, and against which it was still more incumbent upon the House to guard—he meant, the giving pledges at elections; therefore, the argument that Septennial Parliaments tended to weaken the dependence of Members upon their constituents, could only be addressed to those who held, that the interests of the people were best consulted by a blind subserviency to their wishes. It could not be addressed to those who thought, that the honour of the constituent body was inseparably interwoven with the honour of the representative one, and that the perfect independence of Parliament was absolutely essential to its deliberative usefulness. The effect which he anticipated from this change was, that it would oppose an insurmountable barrier to the despatch of public business, and would unhinge the whole fabric of government. He apprehended also, that it would prevent that mature consideration which intricate and important questions demanded, and that it would put an end to that spirit of mutual confidence between the different branches of the Legislature, which at all times, but more especially in times like these, it was so essential to the mixed constitution of this country to uphold. It had been truly said, he believed by Sir Robert Walpole, "that far greater good could be effected in a long Parliament than in a short one, whilst evil could be as well effected in a short one, because evil was by nature quick of growth, but that schemes of good ripened only by slow degrees, and required time to bring them to maturity." The present system had been found to combine the respective benefits of each simple form of government, and to blend the utmost extent of popular freedom which was compatible with the maintenance of public order. He trusted, therefore, that the House would not rashly depart from it—he trusted, that it would not consent upon light or insufficient grounds to uproot an act of national settlement, which Lord Somers had pronounced to be the great bulwark of the Constitution; and to the repeal of which Sir Robert Walpole was opposed. He had no doubt this question would be mooted Session after Session [*Hear, hear*]. He understood that cheer. If the question were so mooted, he trusted, that it would continue to be met by a firm and a well principled resistance upon the part of those who thought with him, that they had had enough of encroachment upon the King's prerogatives, but not enough of firmness in repressing it, and who felt, that in surrendering

for the charge: and after his right hon. friend had declared his readiness to meet the charge it was withdrawn. Under these circumstances, he put it to the gallant General whether, his right hon. friend not being now in the House, and the subject of the Bath election being quite irrelevant to the question under discussion, it would not be more in conformity with what he was sure would be the gallant General's deliberate determination on such a subject, not to proceed.

General *Palmer* said, that after what had fallen from the right hon. Gentleman, he certainly would not proceed, although, if he were to go on, he thought he could show, that the case in question was not so irrelevant to the subject under discussion as the right hon. Gentleman supposed.

Mr. *Robinson* observed, that the noble Lord objected to vote, on the ground that he did not feel called upon at present to give an opinion on the subject, but that he might do so hereafter. Now he begged to ask the noble Lord, if the Motion were rejected that night, whether the rejection would not have a most baneful effect with respect to his Majesty's Government on the constitution of another Parliament? The noble Paymaster of the Forces opposed the Motion on another ground. That noble Lord opposed it on the ground, that its adoption would be tantamount to a subversion of the Constitution. He had never heard a speech in that House so contrary to all the previously expressed opinions of the speaker, as the speech which had that night been delivered by the noble Paymaster of the Forces. Did the noble Lord recollect, that when it was urged by the enemies of the Reform measure, that it was an innovation upon the Constitution, he and his colleagues had maintained, that it was a restoration of the Constitution, and not an innovation upon it? So it was with respect to Triennial Parliaments. Their adoption would be a restoration of the Constitution, and not an innovation upon it. All that the right hon Mover contended for was, that the House should pronounce an opinion that Septennial Parliaments were too long; leaving the question of the preferable duration to be afterwards determined. In the present state of the country, when, he believed, there was no set of men prepared to take the reins of government if his Majesty's present Ministers were to quit office, he was sorry to see them pursue a course of conduct which, coupled with the declaration made by the noble Paymaster of the Forces, he was sure would greatly depreciate them in the eyes of the country. He had not heard a single sound objection to shortening the duration of Parliaments. As to the term to which they ought to be limited, he was for making it three years, because that was a restoration of the Constitution, and, therefore, less liable perhaps to objection than any other term. But let not the House, let not his Majesty's Ministers deceive themselves. The opinion of the country on the proceedings of that night would be, not that the question was whether Parliaments should be triennial or of any other diminished length, but that the course pursued by the noble Lord, coupled with the speech of the noble Paymaster of the Forces, was a declaration made by his Majesty's Government in favour of Septennial Parliaments.

Lord *John Russell*, in explanation, said, that the hon. Gentleman had imputed to him that he had said, that Triennial Parliaments would be subversive of the Constitution. "Now" continued the noble Lord, "I beg to say, that I did not intend to say any such thing, and I believe I did not say so. What I said, or meant to say, was, that the establishing by law, that Parliaments should have but three years' duration, which practically would be two years, was incompatible with the maintenance of the mixed constitution of this country. This is my fixed and maturely considered opinion, and as the right hon. Gentleman (Mr. Tennyson) has pressed me to speak my mind, I will not attempt to conceal it." It was his opinion as an individual member of that House, at the same time he thought it right to say, that if the question was merely one as to the abstract superiority of five or seven years' duration of Parliament, he would vote for a five years' duration; but that was not the Motion before the House, which he had therefore resisted upon the grounds he had stated.

Mr. *Miln Gaskell* contended, that the great men who had passed the Septennial Act in the reign of George 1st, were far better qualified than the hon. member for Oldham (Mr. Cobbett) could be, to judge of the necessity of that measure. There could be no doubt that the original passing of the Septennial Bill was a great stretch of legislative power, but that did not affect the right of framing a prospective Act, and as far as related to the duration of all future Parliaments, the Parliament of that day had as undoubted a right to extend their duration as the present one had to shorten it. If they had not, it would follow, that

not the Septennial Act only, but the Triennial Bill itself, to which the right hon. Gentleman (Mr. Tennyson) invited them to recur, was also an unconstitutional measure. It had been said, that the Septennial Act was only intended to meet a great national emergency, and that, when that emergency had ceased, the Septennial Act should have ceased too; but at the time in which they were called upon to discuss this question, it was, in his opinion, comparatively unimportant, whether it was a temporary measure forced upon its framers by mere temporary exigences, or a great constitutional measure which they meant to have a permanent existence. The question they now had to solve, had reference only to its practical effects, and if those effects were beneficial, it would be most unwise in that House to repeal it. It had been contended, that the people were entitled to frequent Parliaments upon the score of ancient usage, but nothing had been said to show, that the phrase, frequency of Parliaments, referred so much to the frequency of their being chosen as to the frequency of their being summoned together. It was true, indeed, that Acts had been passed to prevent their long intermission, and that, the 4th and 36th Edward 3rd, as well as the 16th, both of Charles 1st and Charles 2nd, recited, that Parliaments were to be often held, but they nowhere recognized the principle of frequent elections, which, he believed, was not laid down before the passing of the Triennial Act in the 6th year of William and Mary. The complaints that were made against the Stuarts were not, that they continued the same Parliaments too long, but that they summoned no Parliaments at all, which no doubt was a great practical grievance, but it was one which could not be charged upon the Sovereigns of later times. He thought, too, that before the right hon. Gentleman called upon them to abandon the present system, he was bound to point out some benefit which had been derived from short Parliaments during the time they were in operation, but he could scarcely refer for that purpose to the disgraceful Treaty of Utrecht, or to the corruption which had prevailed to so great an extent throughout the reign of Queen Anne. He did not understand the argument, that Triennial Elections would operate as a check upon bribery, because, unless they could divest electors of the disposition to be bribed, it would surely be a most unwise course to place increased facilities in their way. There was another species, however, of bribery, which was still more demoralising in its effects, and against which it was still more incumbent upon the House to guard—he meant, the giving pledges at elections; therefore, the argument that Septennial Parliaments tended to weaken the dependence of Members upon their constituents, could only be addressed to those who held, that the interests of the people were best consulted by a blind subserviency to their wishes. It could not be addressed to those who thought, that the honour of the constituent body was inseparably interwoven with the honour of the representative one, and that the perfect independence of Parliament was absolutely essential to its deliberative usefulness. The effect which he anticipated from this change was, that it would oppose an insurmountable barrier to the despatch of public business, and would unhinge the whole fabric of government. He apprehended also, that it would prevent that mature consideration which intricate and important questions demanded, and that it would put an end to that spirit of mutual confidence between the different branches of the Legislature, which at all times, but more especially in times like these, it was so essential to the mixed constitution of this country to uphold. It had been truly said, he believed by Sir Robert Walpole, "that far greater good could be effected in a long Parliament than in a short one, whilst evil could be as well effected in a short one, because evil was by nature quick of growth, but that schemes of good ripened only by slow degrees, and required time to bring them to maturity." The present system had been found to combine the respective benefits of each simple form of government, and to blend the utmost extent of popular freedom which was compatible with the maintenance of public order. He trusted, therefore, that the House would not rashly depart from it—he trusted, that it would not consent upon light or insufficient grounds to uproot an act of national settlement, which Lord Somers had pronounced to be the great bulwark of the Constitution; and to the repeal of which Sir Robert Walpole was opposed. He had no doubt this question would be mooted Session after Session [*Hear, hear*]. He understood that cheer. If the question were so mooted, he trusted, that it would continue to be met by a firm and a well principled resistance upon the part of those who thought with him, that they had had enough of encroachment upon the King's prerogatives, but not enough of firmness in repressing it, and who felt, that in surrendering

the Septennial Act to the tender mercies of the right hon. Gentleman and his supporters, they would be surrendering the surest safeguard that was left to them against the entire and unrestrained predominance of democracy in their institutions. By conceding this question, they would only whet the appetite of a party bent upon change, and there were many omens abroad to warn them of the fatal consequences which would ensue from attempting to conciliate that party. The hon. Member concluded by calling upon the House to discard all considerations of a mere personal nature in the vote to which they were about to come, and by saying, that if unpopularity should attach to their opposition, they would at least be consoled by the reflection, that they had faithfully discharged their public duty, and fearlessly consulted the real interests of the people.

Colonel *Evans* said, that he would not remark upon that part of the hon. Member's observations who last spoke which related to the unpopularity likely to accrue to the opposers of this Motion, as he conceived, that it could not affect the question; but the circumstances and situation of this country during the time when Triennial Parliaments were in existence had been alluded to, and if it had been proved that the country was then in a state far from prosperous, or that its affairs were in a better condition during the operation of the Septennial Act, then the arguments which had been adduced on that head would have been of consequence. He would remind the House of a period when long Parliaments were in existence—namely, during the time of the American war, and would ask it to compare the state of the country at that time with its state in the reign of Queen Anne. In his opinion, the latter would be found to have the advantage. All the arguments of the noble Paymaster were as strong in favour of the continuance of Parliaments for ten or twenty years as for seven, and if there were any weight in the argument, that long or Septennial Parliaments were of advantage because the Crown could at some period of these seven years select a moment of political calm, and when the people were in a sound state of mind to determine on a proper choice of their Representatives, then this object would be best secured by making the period of Parliament's duration indefinite, so as to give the Sovereign the more extended facility and opportunity of dissolving them at a crisis the most favourable for the re-election of Members best adapted for the interests of the Crown.

Mr. *Hawkins* expressed his surprise at the declaration of the noble Lord, that it would be better to postpone the decision of the question until next Session; and maintained, that the present was the moment at which it ought to be determined. It ought to be determined before they went back to their constituents, which might shortly happen; that they might know for what period they were again to require their confidence. He entirely dissented from the opinions of the noble Paymaster of the Forces; for he thought, that the carrying of the Reform Bill had rendered the present proposition more than ever necessary. Hon. Members complained of the practice of requiring pledges. What measure could be more likely to increase the demand for pledges than the continuance of Septennial Parliaments? If constituents had little confidence in their Representatives, what measure could be more likely to increase that confidence than to shorten the duration of Parliaments? One word respecting the term to which it was adviseable the duration of a Parliament should be restricted. He would say at once, three years. He was an advocate for Triennial Parliaments, not because they were formerly established by law; but because he thought, that, upon the whole, they would be the most beneficial for the public. Four years might, perhaps, not be too long; and on the other hand, in the present state of public opinion, he should entertain no apprehensions if the term were limited to two years; nay, he should not dread a revolution even if it were limited to one year. But on a view of all the circumstances of the case, he thought the term of three years was the best that could be adopted. He was indeed surprised at the argument, that short Parliaments were inimical to the true interests of the kingdom, when the great stalking horse of those who opposed them was, that we had them practically already. Supposing, for argument sake, that a Parliament never sat for more than three years, would the result be the same as if it sat by law only during that period? It would be totally different. They would, at least, lose the advantage which might otherwise be counted on, of superseding the necessity of pledges. There would be another difference. Under the present system the Crown always appeared against the people. The time for a dissolution was never chosen so as to favour the people,

but so as to be convenient and agreeable to the Crown. Whenever Ministers thought they had got the people at a disadvantage, then came a dissolution. When, he would ask, was the Parliament ever dissolved because it suited the convenience of the people? He should certainly give the Motion his support, as being, next to the Ballot, the most urgent of all Reforms that could be brought under the consideration of that House.

Lord *Sandon* considered, that the supporters of the Motion were bound to show some particular reason for viewing, at the present time, with greater jealousy the conduct of that House. Was it when a greater weight had been given to the popular feeling that such an increased jealousy and distrust was to be indulged in? According to his view, they would better discharge their parts, as wise men, by waiting to see the effect of the great change they had already effected, than by proposing fresh alterations. What was it that had brought that House into so much discredit with the country? Simply, that they had wasted their time, exerted their energies to no good end. Instead of attending to practical legislation, they had squandered hours on hours in debating abstract principles. He had told his constituents on the hustings, that after adjusting the machine, they should note its operations, and not try new experiments on its construction. He had promised them not to embark in new experiments, but attend honestly and sincerely to the consideration of great practical questions, and the promotion of great practical improvements—and that promise he would not depart from.

Dr. *Lushington* supported the Motion, and thought Triennial Parliaments would be most salutary in enforcing the due attendance of Members to the duties required of them by their constituents. Such scenes as had occurred in the old Unreformed Parliaments could not under this new provision be repeated with success. Members could not then leave the House with empty benches (as had been done) until nearly the close of the long Parliament, when, in the anticipation of a dissolution, those benches would suddenly become crowded with Members, all anxious to appear to be doing their duty to their constituents by attending assiduously to the public business. He did not see, that the fact of this being a Reformed Parliament could be taken as affording grounds for supposing that its proceedings would, unless under some check, be different; for he thought, that while the same dispositions and propensities remained, the same results would naturally be produced; and it was idle to reject the conclusions of sound understanding and common sense by supposing, that the public business would be attended to with a better spirit. To put the present question in a right point of view, he would ask, if any man would, without check, and without control, confide, even to the chosen friend of his bosom, the comfort, respectability, and substance of his family for such a period as seven years? If, then, they would not do it in private life, why should they be required to do it in public, where so many interests were involved? He could not agree with his noble friend, that there was no difference between Parliaments of five and of seven years' duration. He held, that the Representatives should be returned every three years to their constituencies, who would determine whether they had honestly and diligently executed the trust which had been reposed in them. Then it was said, that a man might be sent back in a moment of popular excitement for a vote which he might have given on a particular question, and would not be able to obtain that hearing which he ought to command. But in three years the constituents would be able to form an opinion of their Representative. What honest man would not say to his constituents, "I come not here as your delegate; but if I have erred honestly, take not one or two instances in which I have differed with you, but mark the whole tenor of my parliamentary life." Were the people of England so altered as not to listen to the statement of an honest man? He had been taunted as having voted in opposition to the opinion of his constituency. Whether he had done so or not he would still say he was right if his conscience prompted him to do so. He could not deny the awkwardness of the time at which the Motion was brought forward; but he had the choice of two evils, and he should select the lesser, by voting with the right hon. member for Lambeth, because he believed his proposition had the sanction of experience. He cared not what they called it, either in theory or in practice; but what he should maintain was, that the people of this country were entitled to the blessings and protection of the best constitution which human wisdom could devise.

Mr. Secretary *Stanley* said, he was more disposed than other hon. Members to give the right hon. member for Lambeth credit for

his exertions, and to congratulate him on the scientific mode in which he had managed, at such a juncture, to bring forward the present Motion. The right hon. Gentleman, he had no doubt, had more important views than they could pierce through for bringing forward an impracticable question. He had no hesitation, however, in saying, that he should give his vote against the Motion for shortening the duration of Parliaments. He had, on the hustings at Lancaster, made a statement, from which he was not disposed to depart, that the Government having carried a large, sweeping, and extensive Reform, they were justified in looking upon it as final; and that whenever the subject of the Ballot, or Triennial Parliaments, might be brought forward, he should assuredly vote against them. He knew not what were the indications they had; for he saw none of the extreme unpopularity of that House, or that Government. What test was there which could be applied to their conduct, and which, being applied, would show that they had neglected their duty—that they had shrunk from their responsibility—that they had violated their pledges—that they had failed to fulfil the expectations they had raised? He knew not where to find these tests, nor where to look for the proof that this question was one on which the public mind was bent with any degree of earnestness. On the low ground of gaining popularity—on the miserable pretext of a man more easily winning an election; on these alone he saw no proof that the change now proposed was one which was desired by the people at large. When, too, he looked at the number of petitions that had been presented on this subject, he saw no ground for entertaining the belief that such was the opinion of the people. If the desire for this change was general—if it proceeded in a strong and steady current, as public opinion had proceeded on other great questions, they would have seen their table covered with petitions, pressing upon them this wish, and demanding attention to the rights of the people. But how was the fact? He did not know how many petitions had been presented on one great question that really had interested the public mind; he meant upon the subject of Negro Slavery. On that question the number of signatures was 1,400,000. But when he looked at this supposed important question, he found, that up to the 6th of July nineteen petitions in all had been presented; and this, he believed, was all up to the present time, unless the hon. Gentleman had presented one or two since which had increased the number. Upon such facts as these, had the hon. Member a right to assume that it would be an unpopular vote to say, that no ground had been made out at this moment for shortening the duration of Parliaments? He did not believe that it would be unpopular. We did not live in a country in which one branch of the Legislature monopolized all the importance and all the powers of the government of the State. That it was a most important branch of the Government he was most ready to admit—that the people ought to have a fair influence over their Representatives in that House he was also ready to admit. But the question now was, whether this was the time, and whether it was absolutely certain that it was necessary for the best interests of the country, that they should place the Members composing that House under the immediate control of those persons from whom, in such an event, they would come, not as Representatives, but as Delegates. Was this a time when the popular institutions of the country were in danger—when the voice of public opinion was weak — when the influence of the Crown was overwhelming, and when, in consequence of all these things, it was necessary that an additional weight should be thrown into the scale, to make up the balance of the Constitution. Had they not altered the balance of the Constitution? Yes, they had altered it—altered it, as he believed, beneficially; and was it not safe, and wise, and prudent, that they should wait to see what was the effect of these alterations, and whether any additional weight was still required to be thrown into the scale of popular influence? His noble friend, the Paymaster of the Forces, had said, and in his opinion most truly, that Biennial Parliaments would be most unsafe at the present time, and under the present order of things. He was surprised at the answer given to that observation by the hon. member for Tipperary, who had asked this question—what was it that destroyed the power of the Crown in former times? and he had answered by saying, that that power was destroyed, not by a short but by a long Parliament? He repeated, that he could not but feel surprise at this answer, and must express his astonishment that the hon. and learned Member should have given utterance to such a quibble on words—to such a miserable perversion of terms—in thus speaking of any event with the history of which it was impossible he should not be well acquainted. Other hon. Members had

gone into the merits of the Septennial Act, but it seemed to him, that that was not the question which they had now to discuss, for the onus of proof was not on them to show that seven years was the best term that could be adopted for the duration of Parliaments; but the other side were bound to show, that this Motion was in accordance with popular demand, that its adoption would be beneficial to public interests, and that injury would result from not adopting it. As to the speech of the hon. and learned Gentleman near him, he must say, that he was somewhat surprised at it. There was not one argument in the speech of that hon. and learned Member which did not apply to annual as well as to triennial Parliaments. The hon. and learned Gentleman had asked them whether, if any of them had to employ the services of a trustee, they would not wish to possess a control over him? His answer to that question was, that it would depend upon the character of the trustee. At all events, he should not wish to remove his trustee every week or every fortnight, to leave the successor to take up the unfinished designs of his predecessor, and to be obliged to resign the completion of them again to a person who had not before considered the subject on which he was to act, or at least, not having been acquainted with the beginning of that work which it thus became his task to finish. The hon. and learned Member had observed upon the effect of approaching elections in the conduct of Members. Surely it was not meant to be made a subject of complaint, that the Members of this Parliament had not had industry enough. If there was any complaint to be made, it was that they had been too ready to introduce popular topics of discussion, often to the hindrance of the public business. He did not complain of this, but he thought that the last charge to be made against the Members of this Parliament was a want of industry. Indeed, it was quite enough to afford labour, not merely to one but to two Governments. There were twenty-four notices on the paper of the day. He had had occasion the other day to look into the Order-book, and he had then taken the trouble to see how many different Bills were then in different stages of progress through that House, and he found, in addition to the twenty-four notices for each day, which was now frequently the case, no less than fifty-six Bills, some of which had not even proceeded further than a second reading. Now, fifty-six Bills for the end of the Session, and twenty-four notices, day by day, so long as the Session might last, were no contemptible proof of the zeal with which Members desired to exert themselves for the advantage of their constituents. He had never seen a Parliament which had met with a more honest and determined decision to do its duty—to labour, without regard to time, in the discharge of the trust it had undertaken. He had never seen a Parliament which had listened more attentively to the arguments brought forward on any question, and the general bearings of it. He hoped, and believed, that the right hon. Gentleman had no reason to complain on that point. He stood there to vindicate that Parliament from unjust aspersions—he thought it had done all that could be expected from a Parliament to obtain the confidence of the people. If they did not mean that the Crown should be a cipher, they would not wish to place that House in such a situation, that not its general conduct, but some individual vote, should be made the test of its fitness as a representative body. They would, on the contrary, allow the public mind time to cool and deliberate—they would not keep it in a continual fever of excitement—they would not seek to deprive the Crown of that legitimate influence which it did, and should, and must exercise, by the power of selecting the time when the Members of that House should be sent to their constituents. The hon. and learned member for Tipperary had quoted the preamble to the Septennial Act, but he had omitted to quote just that part of it, which, speaking of Triennial Parliaments, declared them to have been the causes of heats and contentions, which that Act had been passed to cure. It was his (Mr. Stanley's) wish, and such had been the object of the Reform Bill, to substitute for the unsteady, unstable influence, now exercised over Members by their constituents at the approach of an election, that steady and stable influence which they must exercise, if they had fairly and freely the means of sending into Parliament men of tried character, whom they knew and respected, whose principles coincided with their own, and who were sent in to act in conformity with those general principles; but, on particular occasions, to be guided by their own judgments. Having given to the people this steady control, he thought they ought to wait till they had time to see how the Reform Bill acted, and whether the people to whom this power was now given, ought to have the means bestowed on them, of making the House of Commons an assembly of dele-

gates, and to do away with the authority of the Crown, which was essential to the balance of the Constitution. The question lay in a narrow compass. It was not a choice between seven, five, four, or three years, although the Motion had been ingeniously contrived, so as to make the supporters of all these separate questions vote for it; but it was, in fact, a question of Annual Parliaments, for the hon. member for Oldham had honestly and frankly admitted, that he should vote for this Motion, as he hoped it would lead to his favourite plan of Annual Parliaments, without which he should not be contented. He (Mr. Stanley) did not mean to say, that seven years was the best time that could be fixed on, although he was prepared to have given the Motion a direct negative; yet, as he thought his noble friend had exercised a sound judgment in moving the previous question, he should have great pleasure in supporting that Amendment.

Mr. *O'Connell* was glad that this question had been brought on. It would try their souls. The question lay in a narrow compass, and the country could easily judge of it. It would afford one more specimen of the conduct of a reformed Parliament. He was sorry the noble Lord, the Chancellor of the Exchequer, did not meet this question fairly and openly. It was not a subject from which Ministers should shrink, but one about which reforming Ministers at least, should have made up their minds. The right hon. Secretary, had made up his mind, certainly; but the Government at large, if it thought the Motion a bad one, should have negatived it at once, and not have sheltered themselves behind the previous question. The Tories were consistent in opposing this most important branch of reform. He had heard more than one sentence that night, which indicated that the Whigs repented of having given the people so much Reform, and were determined not to let Reform go one jot further. The right hon. Gentleman, who brought forward the Motion, received no cheers from those constituents, suppose them to be reformers. The only ground upon which the right hon. Secretary put his argument was a total fallacy. He said, that this Motion was not called for by the people—that there were no petitions for Triennial Parliaments; but did the right hon. Gentleman forget, that most of the petitions presented to Parliament in favour of Reform, contained a prayer for shortening the duration of Parliaments? Perhaps that prayer was omitted in petitions presented during the progress of the Reform Bill; but nearly all the petitions presented before the Reform Bill was brought in—that long catalogue produced and relied upon by his Majesty's Ministers — was filled with prayers for shortening the duration of Parliaments. The country could, however, now know how to express itself; and he did not hazard much in prophesying, that before next Session we should have plenty of petitions upon the subject. The question was, whether seven years were not too long. It was said, that by taking three years as the duration of Parliament, the dissolution might take place when the public mind was excited; but under the present system the Ministry might dissolve Parliament when there was a torpor in the public mind. It was true that the Parliament of 1806, which added five or ten per cent. to the income tax, and declared Hanover to be as dear to England as Kent, was a short Parliament, and was elected under excitement; but the present Parliament was also elected under the excitement of gratitude to the present Ministry for Reform. Many hon. Members were sent to this House, simply because they were supporters of the Ministry. The right hon. Gentleman had pronounced an eulogium on the present Parliament. It had done wonders, certainly. It spent three months on Ireland, and no single Tory Parliament, in so short a period, ever violated so many Constitutional principles. The right hon. Gentleman talked of low popularity, as if to court the electors of this country were courting low popularity, and as if they ought to be denied a control over their Representatives. Such sentiments spoke a foregone conclusion, but were inapplicable to the present state of the representation. Short Parliaments, it was said, were not consistent with monarchical government. That was, certainly, not a discreet declaration, for if it were necessary for the people to have short Parliaments, short Parliaments they must have, and it was not wise in the noble Lord to put monarchy in the scale against their wants. Such an argument might be suitable at Windsor, but not in that House. The right hon. Gentleman talked of the overbearing control of the Constituency. But why complain of that, if they did not wish to make themselves the masters, instead of the servants of the people? It was said, that the proposition would increase democratic power; but that was an argument in its favour.

Major *Beauclerk* said, that the present Parliament had greatly disappointed the

wishes of the people. They had passed a severe coercive measure against the people of Ireland, but they had omitted to retrench expenses, or to remove the pressure of taxation. It was necessary, therefore, to have Triennial Parliaments, in order to have an effectual check by the people on their Representatives. In as far as that might be the result of the present Motion, it had his cordial support. He had never heard any debate where all the argument and all the eloquence were so completely on one side of the question. In fact, there had been nothing which could call for a reply said against the Motion. It proved that a bad cause could not command a convincing advocate. This was peculiarly shown in the speech of the right hon. the Secretary for the colonies, who had made decidedly the worst speech that he had heard for a long time. Indeed, the right hon. Gentleman must be convinced himself that his speech was a dead failure. The Motion was one which greatly interested the people, and he was sure they would at length have their rights.

Mr. *Gisborne* said, that he came down to that House with the intention of opposing the Motion of the right hon. Gentleman, but he owned that he had been almost talked out of that intention by the speeches that had been delivered in support of it, and also by the sentiments of some of those who opposed it. If, however, he should oppose the Motion, it was not from any concurrence in those high flown monarchical principles which had been urged against it, but from his conviction that its rejection would be for the good of the people and the convenience of the House.

Sir *Ronald Ferguson* stated, that in voting in favour of the right hon. Gentleman's Motion, he should do so from a principle of consistency, and not from a belief that it could in this Session be attended with any practical result. He looked upon it as brought forward for the sake of a popularity which he had no doubt would be ephemeral.

Mr. *Tennyson* disclaimed any desire to gain popularity by this Motion. The objection, however, came badly from those who made it, for it was an admission that the question was a popular one with the nation. It was objected that his Motion was vague, in not stating the term to which he intended the duration of Parliaments should be limited. He had made it so for the purpose of avoiding the objections of some who might agree as to the principle that the duration of Parliaments ought to be shortened, but who might feel themselves justified in opposing his Motion on account of the term he might have fixed. He had fairly stated his own opinion, that a recurrence to Triennial Parliaments would be best for the country, but he was anxious to hear the sentiments of the Representatives of the people before he fixed any particular period. In this he differed widely from the course pursued by the right hon. Gentleman (Mr. Stanley), who had not waited to hear the sentiments of the people or their Representatives, but had beforehand pledged himself (and yet the right hon. Gentleman ridiculed the notion of pledges)—and not only himself but all his colleagues. He had before him a published report of one of the right hon. Gentleman's speeches to his constituents in Lancashire, and if there was any thing in that report which did not fairly represent what he said, the right hon. Gentleman had now an opportunity of disavowing it, and of setting himself right; for the speech had gone forth to the world. The right hon. Gentleman here read the passage, which was to the effect, that if any Member should bring forward any Motion for diminishing the duration of Parliaments, or of extending the franchise beyond the terms of the Reform Bill, or for vote by Ballot, they (the Ministers) stood pledged, as individuals and as Members of Government, to give a decided opposition, and the right hon. Gentleman talked of Members being pledged! What was this but a solemn pledge—and a pledge, too, not to attend to what might be the opinions of the people on this subject? What did the right hon. Gentleman mean by objecting to pledges? He (Mr. Tennyson) had never given any pledge, and he was not the less confidently trusted by his constituents, and was not the less opposed to some of the right hon. Gentleman's principles, for he believed that the more he differed from those principles the better he should stand with the public. In conclusion, the right hon. Gentleman explained the terms of his Motion, and disclaimed any personal feeling against the right hon. Secretary for the Colonies.

The House divided on the Motion—Ayes 164; Noes 213: Majority 49.

List of the AYES.

ENGLAND.	
Aglionby, H. A.	Bainbridge, E. T.
Attwood, T.	Barnard, E. G.
Baillie, J. E.	Barnett, C. J.
	Beauclerk, Major

Bewes, T.
Biddulph, R.
Bish, T.
Blamire, W.
Blount, Sir C. R.
Bouverie, Captain
Briggs, R.
Briscoe, J.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Bulwer, H. L.
Chichester, J. P. B.
Clay, W.
Cobbett, W.
Codrington, Sir E.
Collier, J.
Cornish, J.
Dashwood, G. H.
Davenport, J.
Dawson, E.
Divett, E.
Dundas, Captain
Dykes, F. L. B.
Ellis, W.
Etwall, M.
Ewart, W.
Faithfull, G.
Fellowes, Hon. N.
Fellowes, H. G. W.
Fenton, Captain
Fenton, J.
Ferguson, Sir R. A.
Fielden, J.
Fryer, R.
Gaskell, D.
Grote, G.
Gully, J.
Hall, B.
Halse, J.
Handley, Major
Handley, H.
Hardy, J.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hodges, T. L.
Hughes, H.
Humphery, J.
Hurst, R. H.
Hutt, W.
Ingham, R.
Ingilby, Sir W.
James, W.
Kemp, T. R.
Kennedy, J.
Key, Sir J.
Lamont, N.
Langdale, Hon. C.
Langton, G.
Leech, J.
Lefevre, C. S.
Lennox, Lord W.
Lester, B. L.
Lister, C.
Locke, W.
Lushington, Dr.
Marjoribanks, S.
Marshall, J.
Marsland, T.
Martin, J.
Morrison, J.
Ord, W. H.
Palmer, General
Parker, Sir H.
Parrott, J.
Pendarves, E. W.
Penleaze, T. S.
Phillips, M.
Phillipps, C. M.
Philpotts, J.
Potter, R.
Pryme, G.
Rider, T.
Rippon, C.
Robinson, G. R.
Romilly, J.
Romilly, E.
Russell, Lord
Sanford, E. A.
Scholefield, J.
Scrope, P.
Seale, Colonel
Shawe, R. N.
Simeon, Sir R. G.
Stanley, E. J.
Stanley, Hon. H. T.
Strickland, G.
Strutt, E.
Tancred, H. W.
Tayleure, W.
Thicknesse, R.
Tooke, W.
Torrens, Colonel
Trelawney, W. L. S.
Turner, W.
Tynte, C. J. K.
Vincent, Sir F.
Vivian, J. H.
Walker, R.
Walter, J.
Wason, Rigby
Watkins, J. L.
Whalley, Sir S.
Wigney, J. N.
Wilks, J.
Williams, Colonel
Winnington, H. J.
Wood, Alderman
Yelverton, Hon. W. H.

SCOTLAND.

Dunlop, Captain
Ewing, J.
Ferguson, R.
Gillon, W. D.
Johnston, A.
Marjoribanks, C.
Maxwell, Sir J.
Murray, J. A.
Oliphant, L.
Oswald, R. A.
Oswald, J.
Parnell, Rt. Hon. Sir H.
Pringle, R.
Sharpe, General
Stewart, Sir M. S.
Wallace, R.

IRELAND.

Baldwin, Dr.
Barrow, W.
Barry, G. S.
Bellew, R. M.
Blake, M.
Chapman, M. L.
Dobbin, L.
Evans, G.
Finn, W. F.
Fitzgerald, T.
Lynch, J. H.
Martin, J.
Mullins, F. W.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Dwyer, A. C.
Perrin, Serjeant
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Abercromby, Rt Hon. J.
Vigors, N. A.
Wallace, T.

TELLERS.

Tennyson, Rt. Hn. C.
Hume, J.

PAIRED OFF.

Buller, C.
Bulwer, E. L.
Chaytor, Sir W. L.
Edwards, Colonel
Fitzsimon, C.
Fleming, Admiral
Godson, R.
Guest, J. J.
Hay, Colonel L.
Maxwell, J.
Methuen, P.
O'Connell, M.
O'Connor, Don
Parker, J.
Richards, J.
Roche, W.
Sinclair, G.
Todd, R.
Warburton, H.

List of the NOES.

ENGLAND.

Althorp, Viscount
Anson, Hon. G.
Ashley, Lord
Astley, Sir J.
Atherley, A.
Baring, F.
Bentinck, Lord G.
Berkeley, Hon. C. F.
Bernal, R.
Bolling, W.
Brodie, W. B.
Brougham, W.
Brougham, J.
Bruce, Lord E.
Buller, J. W.
Buller, E.
Bulteel, J. C.
Burrell, Sir C.
Byng, G.
Byng, Sir J.
Calley, T.
Calvert, N.
Campbell, Sir J.
Carter, J. B.
Cavendish, Hon. Col.
Cayley, Sir G.
Chaplin, Colonel T.
Chetwynd, Capt. W. F.
Childers, J. W.
Clive, E. B.
Clive, Viscount
Cockerell, Sir C.
Cooper, Hon. A. H.
Crawley, S.
Dare, W. H.
Darlington, Earl of
Denison, W. J.
Denison, J. E.
Dick, Q.
Dilwyn, L. W.
Donkin, Sir R. S.
Duncannon, Viscount
Dundas, Hon. Sir R. L.
Dundas, Hon. J. C.
Eastnor, Viscount
Ebrington, Viscount
Ellice, Right Hon. E.
Estcourt, T. G. B.
Evans, W.
Evans, Col. De Lacey*
Fancourt, Major
Fazakerly, J. N.
Fielden, W.
Finch, G.
Fitzroy, Lord J.
Fordwich, Viscount
Forster, C. L.
Fox, Lieut.-Colonel
Frankland, Sir R.
Fremantle, Sir T.
Gaskell, J. M.
Gisborne, T.
Gladstone, W. E.
Gordon, R.
Goring, H. D.
Graham, Rt. Hn. Sir J.
Grant, Right Hon. R.
Greene, T. G.
Grey, Hon. Colonel

* Colonel Evans was by accident locked in the House when the Ayes were sent forth, and he was numbered, against his intention, amongst the Noes.

Grey, Sir G.
Grimstone, Viscount
Grosvenor, Lord R.
Halcombe, J.
Hanmer, Colonel H.
Harcourt, G. V.
Hardinge, Sir H.
Harland, W. C.
Henniker, Lord
Hope, H. T.
Horne, Sir W.
Houldsworth, T.
Howard, Hon. F. G.
Howick, Viscount
Hudson, T.
Hyett, W. H.
Inglis, Sir R.
Jermyn, Earl
Jerningham, Hon. H.
Johnstone, Sir J. V.
Knatchbull, Sir E.
Labouchere, H.
Langston, J. H.
Lee, J. L.
Lemon, Sir C.
Lennox, Lord A.
Lowther, Viscount
Lumley, Viscount
Lygon, Hon. Colonel
Lyall, G.
Maberley, Colonel
Macaulay, T. B.
Mangles, J.
Manners, Lord R.
Mills, J.
Molyneux, Lord
Moreton, Hon. A. H.
Morpeth, Viscount
Mosley, Sir O.
Mostyn, Hon. E.M.L.
Newark, Viscount
Norreys, Lord
Ossulston, Lord
Paget, Frederick
Palmer, C. F.
Palmer, Robert
Palmerston, Viscount
Pease, Joseph
Peel, Rt. Hon. Sir R.
Pelham, Hon. C.A.G.
Pepys, Charles
Peter, William
Phillips, Sir R.
Pinney, W.
Price, Sir R.
Reid, Sir J. R.
Rickford, William
Ridley, Sir M.W.
Robarts, A. W.
Rolfe, R. M.
Rooper, J. B.
Ross, Charles
Russell, Rt.Hn.Ld.J.
Russell, Lord C.
Russell, C.
Sanderson, R.
Sandon, Viscount
Scott, Sir E. D.
Shepherd, T.
Smith, J. A.
Smith, R. V.
Somerset, Lord G.
Stanley, Rt.Hn.E.G.S.
Staunton, Sir G. T. B.
Stavely, T. K.
Stewart, J.
Stewart, P. M.
Stormont, Viscount
Talbot, C. R. M.
Throckmorton, R. G.
Tower, C. T.
Townley, R. G.
Townshend, Lord C.
Troubridge, Sir E. T.
Verney, Sir H.
Vyvyan, Sir R.
Wall, C. B.
Walsh, Sir J. B.
Ward, H. G.
Warre, J. A.
Waterpark, Lord
Watson, Hon. R.
Wedgwood, J.
Whitbread, W. H.
Whitmore, W. W.
Wilbraham, George
Williamson, Sir H.
Willoughby, Sir H.
Wood, G. W.
Wood, Colonel T.
Wood, C.
Wynn, Sir W. W.
Wynn, Rt. Hon. C.
Young, G. F.

SCOTLAND.

Adam, Admiral
Agnew, Sir A.
Bruce, C. L. C.
Callander, J. H.
Dalmeny, Lord
Elliott, Hon. Capt. G.
Grant, Rt. Hon. C.
Hallyburton, Hn.D.G.
Jeffrey, Rt. Hon. F.
Mackenzie, J. A. S.
Macleod, R.
Ross, H.
Steuart, R.
Stuart, Captain C.
Traill, G.
Wemyss, Capt. J.

IRELAND.

Acheson, Viscount
Browne, D.
Chichester, Lord A.
Christmas, J. N.
Cole, Hon. A.
Coote, Sir C.
Corry, Hon. H. L.
Gladstone, T.
Grattan, J.
Hill, Lord M.
Howard, R.
Lefroy, Dr. T.
Macnamara, F.
O'Callaghan, Hon. C.
Oxmantown, Lord
Perceval, Colonel
Stawell, Colonel
Verner, Colonel W.
White, Luke

PAIRED OFF.

Burdett, Sir F.
Cavendish, Lord
Cole, Lord
Cooper, E. J.
Ferguson, Captain
Grant, Hon. Colonel
Hoskins, K.
Johnstone, J. J. H.
Kerry, Earl of
Milton, Lord Visct.
North, F.
Stanley, E.
Stuart, Lord D.
Thomson, Rt. Hn.C.P.
Tracy, C. H.

TELLERS.

Kennedy, T. F.
Rice, Hon. T. S.

HOUSE OF LORDS,
Wednesday, July 24, 1833.

MINUTES.] Paper ordered. On the Motion of Viscount STRATHALLAN, Copy or Extract of any Despatch addressed by the Court of Directors of the East-India Company to the Supercargoes at Canton, in reference to the Voyage recently undertaken by the Ship Amherst.

Bills. Received the Royal Assent by Commission:—Public Works; Exchequer Bills; Artillery Pensions; Assessed Taxes Composition; Limitation of Actions; Lunatics Commissions; Woollen Trade Act Repeal; Parochial Rates Exemption; Drainage Rates Recovery; Corporation Officers; and Highland Roads and Bridges.

Petitions presented. By Lord HAMILTON BELHAVEN, from the Presbytery of Paisley, for a Better Observance of the Sabbath.

CHURCH TEMPORALITIES (IRELAND).] On the Motion of Earl Grey, the House resolved itself into a Committee on the Church Temporalities (Ireland) Bill.

On the 49th Clause being read,

Lord *Plunkett* said, that by the Act of Union, it was declared that one Archbishop, and a certain number of Bishops of Ireland should sit in Parliament. Now, by the Bill, as it now stood, it might so happen that no Archbishop would, as was provided by the Act, be called on to sit in that House: he therefore should propose, as an amendment, that one of the Archbishops should, each alternate year, take his seat in the House.

Lord *Ellenborough* said, that as, under this Bill, additional labours would be cast on the Archbishops, it would be very inconvenient for one of them to be absent from Ireland every other year.

Viscount *Beresford* said, it would be extremely inconvenient to have one individual one year, and another the next year, to take in turn the duty of attending that House. The present, he thought, was a good occasion to fix on one Archbishop, who should permanently be a member of their Lordships' House.

The Amendment agreed to.

On the motion of Lord Plunkett, a new Clause was introduced in the place of

Clause 50, to meet the alteration caused by his Amendment.

Clause 51 agreed to.

Clause 52, which relates to the reduction of the revenues of Armagh and Derry, having been read,

Lord *Ellenborough* objected to its preamble, which was not in accordance with the preamble of the Bill itself, inasmuch as it did not point out to what purposes the supposed "excess" of the revenue of those dioceses over the revenue of the other dioceses was to be applied.

The Duke of *Wellington* moved, as an Amendment, that "such excess shall be applied to the building and repair of churches, to the augmentation of small livings and to such other purposes as may conduce to the advancement of religion, and the efficiency, permanency, and stability of the United Church of England and Ireland.

The Earl of *Haddington* was disposed to object both to the 52nd and 53rd clauses, because they went to regulate the incomes of the Bishops. He wished them to be wholly omitted: He should propose, on the report, that those clauses should be expunged, and also that an alteration should be made in the schedule.

Lord *Ellenborough* said, the calculation of the noble Chancellor of the Exchequer, with respect to the sum likely to be realized by the sale of leases in perpetuity, differed greatly from that which he (Lord Ellenborough) had made, and indeed the noble Lord ultimately differed from himself. In the first instance, it was said that those sales would produce 3,000,000*l.*, the amount then came down to 2,000,000*l.*, and now it had dwindled to something above 100,000*l.*

The Earl of *Ripon* said, that his noble friend, the Chancellor of the Exchequer, had, in the first instance, estimated the amount at 3,000,000*l.* provided the perpetuities were sold at six years' purchase. But, at the suggestion of a noble Lord, the estimate was afterwards made with reference to a two years' purchase, which necessarily reduced the amount from 3,000,000*l.* to 1,000,000*l.* As to the statement of 100,000*l.* he had never heard of such a reduction; and he knew not where the noble Lord had obtained his information.

Lord *Ellenborough* said, if the noble Earl would look to the report made to the House of Commons last Session, he would see that the noble Chancellor of the Exchequer had taken the gross, instead of the nett value.

The Amendment was agreed to.

On Clause 55 being put.

The Duke of *Wellington* said, that, as livings were proposed by the clause to be handed over to parties who did not personally enjoy the right of presentation, an opportunity was afforded the Government of rewarding those to whom the education of the youth in Ireland was confided. The University of Dublin was composed of seven senior fellows, and eighteen junior fellows. A few years since, the number of students did not exceed 800, but they now amounted to 1,700. The labour of the junior fellows, therefore, who had alone the privilege of receiving pupils, had considerably increased of late years—so much so, that the number ought to be increased. There was no outlet for the junior fellows, except by vacancies occasioned at the board, or by presentations to livings which were in the gift of the college. These livings did not amount to more than twenty-one, and he thought Parliament ought to make some provision for those meritorious men, whose early years were employed in imparting education to the rising generation. He did not know whether the present period of the debate was the proper one to introduce the clause which he held in his hand, and which was to the following effect:—That a certain number of livings should be vested in the Lord-Primate and the Archbishop of Dublin, in trust, and that, upon their becoming vacant, they should nominate one of the junior fellows, or ex-fellows, of Trinity College to the same; but, in case that none of the fellows should be willing to accept the same, then that they should nominate some other gentleman distinguished for piety and learning. He hoped the proposition would meet with the concurrence of his Majesty's Government.

The *Lord Chancellor* said, he was willing to do everything in his power to make the measure palatable, and he had no objection that those persons who were employed in the education of the youth of the country should meet a just reward. He doubted, however, whether those who had spent the greater portion of their lives in college were the best possible persons to undertake, perhaps at fifty or sixty years of age, for the first time, parochial duties. He understood that the emoluments of the senior fellows amounted to 1,500*l.* a-year. He

thought it quite clear that they, at least, would not be induced to change their mode of life, unless the income of the living exceeded their present revenues—even, supposing that any consideration could induce them to take upon themselves the labour of a parish minister. The junior fellows, taking the emoluments arising from professorships and pupils, might average at from 800*l.* to 900*l.* a-year. It was quite clear that the benefit must be great indeed that could induce any of those fellows to forsake their fellowships. Recently, a living of 800*l.* a-year passed all the fellows, and one at last took it upon terms, namely, that he should have the option of the next that fell vacant. He merely threw this out to show that the object which the noble Duke had in view could now be attained by his Amendment, as few of the livings to be vested in the hands of the trustees could be expected to average 800*l.* a-year.

Lord *Wynford* said, that, by the statutes of the college at present, junior fellows were prevented from marrying. Many of them might wish to marry, and would, therefore, be satisfied to take small livings.

Lord *Plunkett* would not offer any opinion adverse to the clause, even if he entertained it. He owed that college too much to allow any opinion of his own to stand in the way of a benefit to be conferred upon it. He owed that college a debt of gratitude, for having so frequently returned him as their representative, which never could be effaced from his memory. He would not, upon the present occasion, express any opinion with respect to the clause; but the question of celibacy, to which the junior fellows were subjected, having been introduced, he felt it necessary to say something upon it. That cruel restraint was contrary to the spirit of the times, and the statute respecting it was, for a long period, not enforced. The statute, however, was now in operation, and he deprecated it, as it had the effect of disabling those to whom the education of youth was intrusted from filling those relations in life which best fitted them for the discharge of their duties. They were debarred from that social intercourse which others enjoyed, and something ought to be done to relieve them. The statute was revived by Dr. Hall, the then provost, and Mr. Downes, the late Lord Chief Justice of the King's Bench in Ireland—than whom two better men did not exist—but they were both old bachelors, and lived and died in a state of celibacy.

The Duke of *Cumberland* said, that the statute lay dormant for many years, and was revived in consequence of great scandal being given in consequence of the wives of the junior fellows not bearing their husbands' names.

The Earl of *Wicklow*, after the manner in which the Amendment had been received, would request of the noble Duke not to press it at present, but to reserve it to some future stage of the Bill. He thought the proposition would have the effect of being highly beneficial to the Church, and was not liable to the objections taken to it by the noble and learned Lord (the Lord Chancellor). The patronage of the university was much smaller than was supposed, and ought to be augmented.

The Earl of *Rosse* said, that in order to obtain a fellowship in the University of Dublin the greatest learning was required, and some provision ought to be made for the disappointed candidates. There were often five or six candidates for one vacancy —and those who were unsuccessful were men of great acquirements. He thought that providing for such men would be conferring benefit on the Church, as well as an act of humanity. It rarely happened that any of the aspirants for fellowships could go through the course of reading necessary for the examinations, without impairing his health.

Earl *Grey* thought the object of the Amendment was of great importance: and, when a proposition of a similar purport was suggested to him by the provost of the University of Dublin, he had thought it would be beneficial; but, on further consideration, some difficulties had presented themselves to his mind. It seemed to him that the question was one of so much importance, that some little time should be taken to consider it, before the House came to a decision upon it. Trinity College, Dublin, consisted of seven senior, and eighteen junior fellows—and seventy scholars. He was not aware, whether any of the latter class were in holy orders; but if so, he thought it might be desirable that the selection for livings in the way proposed should include the scholars likewise. He merely threw this out, in order that it might receive timely consideration. Under every circumstance, he was of opinion, that it would be desirable that the noble Duke should consent for the pre-

sent to withdraw his Amendment, as it might be introduced as a substantive clause in a future stage of the Bill. That would afford time for considering how such an arrangement could be made as would best tend to promote the interests of the very learned body to which it had reference.

Amendment withdrawn, and Clause agreed to.

On the 61st Clause,

Lord *Wharncliffe* said, that he would not object to the imposition of a tax upon the more opulent clergy for the purpose of making up for the deficiency of the incomes of their poorer brethren, but he was strongly opposed to the substitution of a tax upon the clergy for the Church-cess, which was now paid by the land. It appeared to him to be most unjust to require the clergy to pay for the sacramental wine and for the salaries of their clerks. It was no more reasonable than to compel them to supply their parishioners with bibles and prayer-books. There was a fund of 41,000*l.* to be placed in the hands of the Commissioners under this Bill, from which those expenses might be defrayed. He admitted, that some alteration of the Church-rates in Ireland was desirable, and he believed that many months would not elapse before Parliament would find it necessary to make some change in the levying of Church-rates in England also. They were considered a great grievance by the Dissenters, who, in some places, attended in great numbers at the vestry, and prevented the rate from being made. But, whatever the change was to be which their Lordships might see fit to make, he trusted that it would not be to throw the burthen upon the clergy. He should propose, that the produce of this tax should be solely applied to the augmentation of the small livings. He might, he was aware, be met *in limine* by the objection, that the other House would not consent to his Amendment; but, notwithstanding that, he trusted that their Lordships would show to the clergy that their case would be dealt with, at least in the House of Lords, fairly and honestly. He moved in the first instance, that the words of the clause providing for the application of the money be left out in order afterwards to move an Amendment to the effect that the proceeds of the tax upon the incomes of the clergy should be appropriated solely to the augmentation of small livings.

Earl *Grey* objected to the Amendment, and thought that if it was right to raise the tax at all, there could be no objection to having it appropriated to the several purposes mentioned in the Bill. On that general ground he opposed the Amendment, and he maintained, that if it should ever be necessary to legislate respecting Church-rates in England, the present measure would form no injurious precedent.

The Earl of *Wicklow* agreed with the remark of the noble Earl who last spoke, that it would be bad to make a distinct appropriation of the tax. He had no objection that the Commissioners should apply the money to the purposes mentioned in the Bill; but he objected to a burthen being laid on the clergy, and thought that the landed proprietors should have their fair proportion of it. He trusted that some alteration would be made to relieve the Irish landlords from the invidious position in which they would be placed, if the Bill passed as it then stood.

Lord *Ellenborough* entirely concurred with the opinion of his noble friend (Lord Wharncliffe), and considered that the Amendment was a most important one. If any other way could be found than that very unjust way of raising the money by imposing a tax on the clergy—if it were levied on the landlords or otherwise, a great objection to the injustice of the whole scheme would be removed. The Board of First Fruits had due to them, or in hand, the sum of 452,000*l.*, which might be applied to the augmentation of small livings, and thereby do away with the necessity of imposing this new and unjust burthen on the clergy.

Lord *Wharncliffe* admitted, that his Amendment would not remove the injustice done to the clergy in favour of the landholders, and he hoped that if ever Parliament thought fit to remove the Church-rates, that landlords would not be favoured in the way they were by the present measure.

The Earl of *Haddington* thought, that if the Amendment of his noble friend were carried, it would do a great deal of good, and, besides, would ward off the establishing of a precedent for the time to come respecting an evil that was staring them in the face in England. He maintained, that the hunted and persecuted Irish clergy should not have their revenues taxed, nor be called on to pay what he believed the law contemplated should be paid by the

landowners. He had long been of opinion that the pauper Catholic should not pay the cess, but he never supposed that the clergy were to be called on to pay it. The landlords ought to pay it, and he regretted that he did not see a greater number of them willing to pay the paltry tax of five farthings in the pound on their income, which would be fully equal to the amount of the cess.

The Earl of *Ripon* begged to remind the noble Earl, that he was talking about a matter which had been disposed of last night, when the 14th clause of the measure was agreed to. If noble Lords were continually adverting to clauses already passed, the debate on the Bill would never finish.

The Bishop of *London* said, that if the clergy were to pay a tax, it would be much more in accordance with their feelings to pay that tax for the relief of their poorer brethren than for any other purpose; he should, therefore, vote for the Amendment.

The Committee divided on the question that the words proposed to be left out stand part of the clause.—Contents 56: Not Contents 36: Majority 20.

On the 76th clause, permitting the Commissioners to advance part of their surplus to build churches,

Lord *Carbery* objected to a part of the clause which required the payment of one-fifth of the sum necessary for building churches, or chapels of ease by the parishioners, who, he said, in many cases, would be unable to meet the charge. He should move, as an amendment, that it be lawful for the Ecclesiastical Commissioners to advance out of the surplus fund at their disposal such sums as they should think fit, for the purpose of building churches in Ireland, provided application were made to such Commissioners in writing from the Bishop of the diocess, accompanied by a plan and estimate of the expense of the building, and provided also, that the commissioners might employ an architect chosen by themselves to erect such building, subject to such regulations as the Commissioners should think fit; provided always that the sum advanced be paid by instalments, the last instalment to consist of at least one fourth part of the whole sum so granted; and such instalment not to be paid till the Commissioners were satisfied by the certificate of a competent architect, that the building had been completed in a sufficient and workmanlike manner pursuant to the plan agreed on; and also by a certificate from the ordinary, that he, upon inspection thereof, is satisfied with the execution of such work.

Lord *Ellenborough* observed, that unless their Lordships altered this clause, they would nullify a subsequent clause for the augmentation of small livings, inasmuch as no living could be augmented unless there was a church in the parish, and this clause, as it now stood, tended to prevent churches from being built.

Lord *Wharncliffe*, said, that the first object was to build a church, in order to attract a congregation, and he thought their Lordships bound to facilitate the accomplishment of that object by supporting the Amendment.

The Marquess of *Clanricarde* observed, that parishes would be in a better situation under the new system than at present. Four-fifths of the entire sum required were given in this case, and only one-fifth was asked from the parishioners; but the First Fruits only lent the money, which must be afterwards repaid, therefore it was clear that the proposed provision was favourable to the parishioners.

The Marquess of *Lansdowne* said, that it appeared to him the Amendment was proposed because it was considered that the original clause would leave it to the discretion of the Commissioners whether they would build churches or not. This he did not think a proper interpretation of the clause.

The Archbishop of *Canterbury* said, that he would support the Amendment, inasmuch as he wished to support Protestantism in Ireland.

The Bishop of *London* said, that he also would, on principle, support the Amendment.

Earl *Grey* declared, that nothing could be further from his thought than doing aught to discourage Protestantism in Ireland; and if it would give satisfaction, he should have no objection to reduce the number of persons signing the application to thirteen, instead of twenty, and the sum to be contributed by them to one-eighth instead of one-fifth.

The *Lord Chancellor* contended, that the clause, as it stood, was a guarantee against an impolitic and unfitting application of the funds in the hands of the Commissioners. Exceptions ought never

to constitute the rule, and the clause, as it stood, did not render the advance of money binding on the part of the Commissioners, but only chalked out, as it were, the way in which they might apply the funds.

The Duke of *Wellington* was of opinion that the clause, rendering it compulsory on twenty persons to sign the application for building churches, and obliging them also to bear one-fifth of the expense, would have the effect of preventing churches from being built. Though far from being inclined to throw needless impediments in the way of the measure, he would support the Amendment, unless some other alterations, to obviate his objections, were made in the clause.

The *Lord Chancellor* said, that it had been adopted as a general rule that persons requiring the building of new churches should meet the expense half way. Such was the principle usually applicable to private charities, where the parties calling for an issue of money for certain purposes were expected to advance a cerain portion of the sum required, in order that the whole of the outlay might not fall upon the fund. The question at issue was, how that portion of the Church property which was placed at the disposal of the Commissioners was to be made applicable? The very circumstance of the fund being Church property made it, *a fortiori*, stronger on the lay applicants for an outlay to meet the Commissioners half way. If the funds were only lay funds, then, indeed, the case might be different.

Lord *Plunkett* said, that the object of the original clause was to prevent the fund applicable to the building of churches from being frittered away by jobbing; and the provision rendering it imperative that the application for the building should be signed by twenty persons, and that the applicants should bear one-fifth of the expense, was necessary to secure this object.

Lord *Wharncliffe* thought it would be much better the clause should remain as it at present stood, provided there should be added at the end, that if it should appear to the Commissioners, from peculiar circumstances, that it would be expedient that a church or chapel of ease should be erected in any parish or place, it should be lawful for the Commissioners, on the application of the Bishop of the diocess, and they should be at liberty, to make advances of the monies or funds under their control for such purpose. The noble Lord moved an Amendment to this effect.

The Earl of *Darnley* was of opinion, that the Bill should provide a stipend for the clergyman who should be appointed to any church that might be erected in the manner proposed. In his own neighbourhood a church would long since have been built if an income could have been found for a clergyman.

The Amendment proposed by Lord Wharncliffe was agreed to, and the clause ordered to stand part of the Bill.

The House resumed; Committee to sit again.

HOUSE OF COMMONS,
Wednesday, July 24, 1833.

MINUTES.] Bills. Read a second time:—Court of Chancery; Commissioners of Lunacy; Roman Catholic Marriages (England).—Read a third time:—Dramatic Performances.

Petitions presented. By Mr. HAWES, from the Parochial Association of Lambeth, for the Repeal of the Parish Vestries Act.—By Mr. JOHN ROMILLY, from some Parts of the City of London, for Relief to the Sugar Refiners.—By Colonel EVANS, from Rye, for the Abolition of the Corn Laws.—By Sir SAMUEL WHALLEY, from St. Mary-le-bone, and by Colonel EVANS, from St. John's, Westminster, for the Repeal of the Assessed Taxes.—By Lord FORDWICH, from the Unitarians of Canterbury, for Relief with regard to Marriages, Registration, and Church Rates.—By Sir SAMUEL WHALLEY, from the Society for the Improvement of Factory Children, in favour of the Factories' Regulation Bill; from St. Pancras (Middlesex), against the Compulsory Payment of Sixpence per Month by Merchant Seamen for the Support of Greenwich Hospital.—By Sir HENRY PARNELL, from the Linen Weavers of Scotland, to be paid by the yard.—By Mr. PEASE, from the County of Ross, against Abolition without Compensation; also from the Society of Friends at Stroud, Chatham, and Rochester, against Tithes and Church Cess.—By Mr. ROEBUCK, from the Bath Political Union, for an Inquiry into the Coldbathfield Meeting Affair; from Dumfries, for a Free Colony of Negroes on the Coast of Africa.—By Mr. HUME, from the Sugar Refiners of Wapping, and by Dr. LUSHINGTON, from St. Mary, Whitechapel, for Relief.—By Lord HOWICK, from several Places, for the Abolition of Slavery.

SUGAR REFINING.] Lord Althorp having moved the Order of the Day for the House to go into a Committee on the Slavery Abolition Bill,

Mr. *Clay*, pursuant to notice, rose to submit a Resolution to the effect of admitting foreign sugar to be refined for exportation. The hon. Member having stated, that he had hoped that the West-India interest, in whose favour the present mischievous monopoly was maintained, would have, of their own accord, proposed a relaxation of that monopoly, seeing that it had, without essentially benefiting themselves,

brought the sugar refining trade to the verge of ruin, proceeded to say, that he would not deal in idle declamation, but prove the terribly depressed condition of the sugar-refining trade by the irrefragable evidence of facts. He would first show the amount of the exports of refined sugar from the year 1816 to the year 1826, the period when the produce of the colonies was, all things considered, about the same as at present; and then from the year 1826 to 1832. In 1816, the amount of refined sugar exported was 584,000 cwt.; in 1817, 697,000 cwt.; in 1818, 711,000 cwt.; in 1819, 520,000 cwt.; in 1820, 646,000 cwt.; in 1821, 640,000 cwt.; in 1822, 374,000 cwt.; in 1823, 450,000 cwt.; in 1824, 435,000 cwt.; in 1825, 389,000 cwt.; and in 1826, 344,000 cwt.; being a fall of more than one-half since 1818, when the exportation was at its maximum. During the same period the produce of the British plantations had increased but very inconsiderably, being 3,400,000 cwt.; in 1816, and but 3,900,000 cwt. in 1826; giving an increase of no more than 500,000 cwt. The home consumption, however, had increased at a much higher rate than the produce of the colonies during the same period, being but 2,500,000 cwt. in 1816, while it was 3,550,000 cwt. in 1826. It should be borne in mind that this estimate of the home consumption being founded on official returns, was necessarily under the mark; for being founded on the amount of duty paid for home consumption, deducting the drawback on export, which was double the amount of the home consumption duty, the amount consumed appeared less by half of the amount of drawback on exports than it really was. He had stated the amounts up to 1826. In 1825, the sugar of the Mauritius was admitted at an equal duty with the sugar of the British plantations; but in 1827, so pressing were the complaints of the sugar-refiners of the want of raw material to continue their trade, that Mr. Huskisson by an Order in Council permitted foreign sugar to be imported for the purpose of refining for exportation. This permission was embodied in an Act of Parliament, which was renewed in 1829 and 1830, but expired on the 5th of July, 1831, since which it had not been renewed; and, as a consequence, the trade had been brought to the utmost verge of ruin. In 1827, when the sugar-refiners complained to Mr. Huskisson, the amount of exports was 409,000 cwt.; in 1828 it was 450,000 cwt.; in 1829, 475,000 cwt.; in 1830, 607,000 cwt.; showing a steady increase in consequence of the admission of foreign sugar. The falling off in the export trade which had taken place since the Bill of 1827 was permitted to expire, would appear the more striking, if he compared the exports of 1831, when they amounted to 580,000 cwt., with the exports in the two first quarters in the years 1832 and 1833. The numbers would stand thus:—In the first quarter of 1831, the number was 145,000 cwt.; in the second quarter, 160,000 cwt.; in 1832, the numbers stood 150,000 cwt. and 100,000 cwt.; and in 1833 they were but 76,000 and 59,000 cwt.; being a falling off of more than 130,000 cwt. in half-a-year. He apprehended, therefore, that the trade was hastening to annihilation, and, unless the Legislature afforded some remedy, it must sink into irredeemable ruin? He could not well conceive on what ground his Motion could be resisted. It could not at all affect the monopoly of home consumption which the West-Indies enjoyed, and could not lessen the price of their produce, inasmuch as that produce was barely on a par with the home consumption. This was plain from the fact that the consumption was in 1832 about 4,000,000 cwt. in round numbers, while the imports from the colonies were but 4,435,000 cwt.; leaving but 435,000 cwt. for exporting both in the raw and a refined state. Besides that, the stock in hand was 120,000 cwt. less at the end than at the commencement of that year. There was every reason also to believe, that the crop of 1833 would be 30,000 hogsheads less than that of 1832; so that, in fact, the refiners had to compete in the market with the home consumers of an article the home consumption of which was fully equal to the supply. This desperate game the refiners had actually attempted to play to the very verge of destruction, and, as he had stated, unless Parliament admitted the importation of foreign sugar, a most important branch of the industry of the country would be totally ruined. The deplorable effect which the prohibition of the importation of foreign sugar had on the refining trade would appear in a striking light when he stated, that whereas, in 1830, there were 224 pans at work in the metropolis, in 1833 there were but seventy; the falling off being to 210 pans in 1831, to 183 in 1832, and to seventy in the present year. This was a strong practical fact that spoke volumes. Nor was this great depression confined to the sugar-trade of the metropolis. In Scotland all the sugar-

pans had stopped working; in Liverpool two-thirds were out of employ; in Bristol not more than one-half were in use; and in Hull two-thirds were idle; and thus it might be said, that two-thirds of the sugar refining trade throughout the country was at a complete stand still. Nor was this all—the depression extended to other branches of domestic industry and commerce. He had been informed by a most respectable builder, that in 1828, his bill for work done in sugar-refining factories amounted to 700*l.*; in 1830 to 3,200*l.*; in 1831, to 3,300*l.*; in 1832 to 1,389*l.*; and from that period to the present time the whole value of work done by him in those factories was only 3*l.* 7*s.* 6*d.* A carter connected with the factories had experienced a diminution in his business to the extent of 15*l.* a-day; a cooper, who used to employ 100 men, now only employed six men a-week, and a bricklayer, who furnished occupation to forty men a-week, could now find work for only two. If the House delayed to grant the relief which the refiners sought for, misery would not only be inflicted upon them at present, but hope extinguished for the future. Already the trade was leaving the English shores, and he had been informed by an engineer of much eminence, who was ready to give evidence, to the fact at the Bar of that House, that he had received orders to fit up refining-works to be used at Amsterdam, and on the Rhine; but, he added, the carrying those orders into effect, by erection of the refineries depended solely on the fate which might attend the present Motion. That Gentleman gave it distinctly as his opinion, that if the Motion was acceded to these refineries would not be erected abroad; and stated, that in the event of its rejection, he had received orders to export the machinery. He (Mr. Clay) had received information of a similar nature from other quarters, and he knew that orders to a very considerable extent had reached London for the exportation of the improved refining machinery, which were to be executed, provided that the Motion he was about to submit to the House failed of success. He had hitherto confined himself to a statement of the injury which the present system inflicted on one important and extensive branch of manufacture, but the injustice which the people of this country generally suffered from it was not less striking or less worthy of observation. In the first place, by the effect of the monopoly enjoyed by the West-Indians of supplying the refining establishments with raw sugar, the country was at the present moment paying as much as 7*s.* or 9*s.* per cwt. more than it need pay, provided foreign sugar was admitted for refining. In other words, the people were paying to the West-India proprietors a tax on the whole amount of sugars refined of not less amount than 1,500,000*l.* a-year. There was another subject to which he wished to call the attention of the House, but to which he had not as yet adverted, because he did not desire to mix it up with the rise or decay of the refining trade—he alluded to what in reality did exist to a considerable amount—a bounty on the refining of British sugar. The refineries were compelled to use exclusively the produce of the British colonies, for the purpose of refining, and a drawback was allowed on its exportation in a refined state. The amount of the drawback was calculated upon this principle—that the exact sum paid by the refiner on the raw sugar should be returned to him on the exportation of the refined article; and it was reckoned that 1 cwt. of raw sugar would suffice for the manufacture of 61 lbs. of refined sugar, and 81 lbs. of bastard sugar. But there could not be a doubt, that a greater quantity of the last-mentioned description of sugar might be extracted from 1 cwt. of raw; and, therefore, the refiner received a larger sum in the shape of drawback than he originally paid as duty. This, then, constituted an absolute bounty on the exportation of refined sugar the produce of our colonies. With respect to the amount of the bounty so obtained there existed various opinions; and it was perhaps difficult to arrive at a true result, because the quantity of refined sugar which any given quantity of raw sugar would produce depended entirely on the degree of skill employed in the manufacture. Taking, however, all the circumstances of the case into consideration, he was inclined to think that the amount of the bounty was not less than 5*s.* per cwt.; and, therefore, it would be worth the refiner's while, unless he received an equivalent bounty on the exportation of foreign refined sugar, to give 5*s.* per cwt. more for British raw sugar than for foreign raw sugar. That, however, did not entirely account for the price of British refined sugar being 7*s.* or 9*s.* higher than that of foreign refined sugar. The difference was, perhaps, mainly to be attributed to the monopoly of the sugar-market enjoyed by the West-India proprietors, and the want

of a sufficient quantity of the article to supply the demand. The refiners, in consequence, felt themselves compelled to bid against each other to obtain a supply; in point of fact, they threw away the whole of the profits they might reasonably expect to derive from the use of their capital; and they were at the present moment losing from 2*s.* to 3*s.* on every cwt. of refined sugar. These reasons explained the difference of the price of British and foreign sugars; and he repeated, that a tax was in consequence imposed upon the people of this country, for the benefit of the colonial proprietors, to the amount of 1,500,000*l.* a-year. But this was not all the injury produced by the existing laws regulating the refining of sugar. In consequence of the want of a market here for foreign sugar, our manufacturers, who shipped goods to countries where sugar was produced, were deprived of the power of bringing returns to this country. He had in the course of that Session presented a petition to the House in which it was stated that five sugar countries, to which British manufactures of the value of 5,000,000*l.* were annually exported, returned to this country articles of their own produce of the value of only 1,000,000*l.* sterling. British shipping was therefore to that extent deprived of employment. It had also been stated on good authority, as an instance of the ill effects of the existing monopoly, that of four British vessels which sailed monthly during the whole of the last year from Liverpool to Brazil, not one returned freighted with the produce with which their cargoes had been purchased. In his opinion the existing restrictions on the importation of the raw material used in this particular branch of manufacture were obviously so contrary to every sound principle of political science, that he thought he should only be unpardonably wasting the time of the House if he stopped to enforce an axiom in politics which no one disputed; but this circumstance he could not omit to state, that the Order in Council agreed to in the time of Mr. Huskisson, and the Bill which that right hon. Gentleman brought in for the introduction of foreign sugar for the purpose of refining, had had the effect, as he believed it was their object, to extend the sugar-refining trade. New refineries were built, and the old ones were enlarged; and would that House, after encouraging men of capital to enter into the trade, now deprive them of the means of subsistence by forcing them to engage in a ruinous competition with foreigners? It had been said, that foreign European governments were giving every encouragement to the establishment of sugar refineries in their countries; and that whatever enactments might be passed by Parliament on the subject, British manufactures would not be able long to retain the monopoly of the foreign trade. He totally denied the truth of that assertion; he believed that the tendency of the existing system was to create a competition in foreign countries, which it would be difficult hereafter to get rid of; but if the restrictions under which the trade laboured were immediately removed, there could be no doubt that British manufacturers would not only successfully compete with, but entirely defeat their foreign rivals, and no protection extended to them by their own governments would enable that trade to flourish abroad when opposed by British enterprise. If the free trader should be excluded from other countries, the vicious regulations imposed by a narrow policy would be defeated by the contraband dealer, who, diffusing among the great family of mankind the various and multiplied productions of the earth, supplied the wants of one country from the superabundance of another. He conceived, that on the plea of justice, of necessity, or of expediency, the Motion he was about to propose could not be refused; and the only answer he anticipated would be given to it was, that the present was an inconvenient time for acceding to it, in consequence of the great changes which were being made in colonial policy, and the necessity of doing nothing which might alarm the mind of the West-India proprietor. In this argument he could not concur. He did not think that the West-India planters had any claim to an advantage at the expense of a large class of their fellow-countrymen; and, with respect to the time, no better opportunity could be taken, in his opinion, for making the proposed alteration than the present, when the country had acted with such unexampled liberality towards the West-India proprietors. The noble Lord opposite was understood to have come to an understanding with the West-India proprietors, that the question should not be mooted this Session; but the noble Lord should recollect, that what he now proposed had been recommended by him in 1831, though without success. From the part, however, which the noble Lord took on that occasion, it was expected by all parties interested on the point, that he

would have brought in a measure of relief early in the Session of 1832. He knew not what was the nature of the understanding come to between the noble Lord and the West-India body, but when it was recollected that a loan of 15,000,000*l.* had been changed into a gift of 20,000,000*l.*, it was too much to say, that a pledge given at one time should be binding at another, when all the circumstances had undergone a change. He entreated the Government and the House to consider the injurious effect which the existing restrictions on the refining trade, combined with the opening of the China trade (a measure which he admitted to be good in itself), must have on the eastern parts of the metropolis. Several parishes in the Tower Hamlets would be absolutely ruined, and he thought he had a right, under these circumstances, to call upon the House not to inflict that ruin recklessly and precipitately. There were at the present moment 340,000 cwt. of foreign sugar lying at the doors of the refiners, which, if admitted, would give employment and bread to many very deserving and distressed artisans; and in the name of justice and humanity and common sense he called upon the House to grant relief to a large industrious and meritorious portion of the community. He should leave the Resolution in the hands of the House, in the full confidence, that they would deal properly by it. He knew too well he had not done justice to the subject, but this happily was of no great moment, for the case was such a clear one—the sufferings endured under the present system were so apparent, that the most common-place observer must be convinced of their existence. He had worded his Motion in general terms, because it involved a point of revenue, and if it were agreed to, he thought the arrangements should be left to the proper department of the Government. He begged leave to move "that it is expedient that foreign sugars be immediately admitted into this country for the purpose of being refined for exportation."

Lord *Althorp* observed, that in leaving to the Government to decide upon the best means of carrying into effect the object of his Resolution the hon. Member had managed to divest himself of, by no means the easiest branch of his duties. It was very easy to say, that such and such a measure was expedient, but quite the reverse to lay down the means by which it could best be carried into effect. Therefore it was with no small surprise that he had heard the hon. Gentleman conclude by moving a Resolution, laying down a general proposition, to which there were few, considering the depressed condition of the refining trade, who could dissent, and then quickly transferring the onus and responsibility of carrying that proposition into practical operation upon the shoulders of his Majesty's Ministers. The real, indeed the sole, difficulty attendant upon the hon. Gentleman's proposition, was to ascertain in what manner the admission of foreign sugar for refiners could take place without inflicting a hardship on the West-India planter, without affecting the revenue of Great Britain, and, finally, without putting into the pockets of the refiners a considerable and unmerited bounty. Indeed, if the latter difficulty could be got over, the two former might soon be laid aside. But how was that difficulty to be got over? The hon. Gentleman seemed to argue that the question of bounty could not interfere, inasmuch as the refiners of our colonial produce were at present in receipt of it; but he (Lord Althorp) was by no means prepared to admit, that because one body of men received a bounty which they should not receive, the same advantage should be extended to another body of men. He had no hesitation in saying, that he thought the refiners of our own West-India produce ought not to have a bounty, and, acting on that principle, he could not sanction any measure which could by possibility give a similar advantage to the refiners of foreign produce. The hon. Gentleman, in tracing the history of the progress of legislative interference in the refining trade of the country, had alluded to an Act which expired in 1831, and which he (Lord Althorp) had without success endeavoured to have renewed towards the end of the Session of that year. Speaking of that Bill the hon. Gentleman very justly took upon himself to say, that he (Lord Althorp) proved, by his conduct on the occasion of its expiration, he was friendly to a renewal of the system which the measure established. Such, he assured him, was the case; and he thought he had proved it sufficiently by his endeavours to have it renewed. "Why then," asked the hon. Member, "do you not now renew it?" The answer to that question was obvious. If the hon. Member was not, he was sure every Gentleman who belonged to the last Parliament was aware, that on his seeking to renew the Bill, his proposal was strongly opposed by the West-India interests, on the ground that, under the provisions of the

Act, a considerable bounty was received by the refiners on the refining of foreign sugar, which tended much to diminish the sale of our own West-India sugar. There was, indeed, while the Act was in force, a bounty given on West-India sugar, but it was by no means equal to that paid on foreign produce. What the amount of the bounty on foreign sugar really was at the present time he did not know, but he believed the hon. Member had not exaggerated when stating it to be 5*s.* on each cwt. The result of the objection on the part of the West-India interests was, that it was determined by calculations to ascertain the relative amounts of the bounties on West-India and foreign produce, and then to introduce such a measure as was most likely to consult the interests of both parties engaged in the matter. Those calculations for some time past had been in train, but as yet, he believed, were incomplete, and consequently his Majesty's Ministers were, up to the present hour, precluded from taking any steps, either to renew the Act which expired in 1831, or to propose any measure whatever on the subject. Having said so much in explanation of his conduct, he would briefly explain to the hon. Member and the House what his opinions were, regarding the question before it. Until it was possible to ascertain to a certainty what was the amount of bounties at present paid on refined sugar, whether foreign or West Indian, he did not think it would be proper to sanction any measure founded on the principle of the Act which expired in 1831. "But," said the hon. Member, "something must at once be done, and I call upon you to do it." In answer to that call, he had only to repeat what he had already communicated to a deputation of the sugar refiners of the metropolis. What he wished to do during the present Session was, to enable persons to refine foreign sugar in bond, and then to export the whole amount so refined to foreign markets without paying duty. By that means he thought two important points would be attained—first, the revenue would be secured against the possibility of any loss; and, secondly, relief would be at once afforded to the trade, without giving any unfair advantage either to the refiners or to the West-Indian interests. The refiners, he thought it likely enough, would not consider the principle to refine in bond and then export, a great boon, because it did away altogether with the bounty; but the question with which Parliament had most to do was, whether or not that permission could enable the refiners to carry on their trade with success. The refiners alleged, that all they required was opportunity to keep up their trade; and surely, if they were allowed to refine as much foreign sugar as they could get, with merely the proviso, that when so refined it should be exported, they could not say, that ample means of carrying on their trade were withheld by Parliament. But then it might be asked, how would such an arrangement affect the West-India interest? In the course of the present Session, in a communication he had had with deputations of the West-India body, he had stated to them what he considered ought to be done for the protection of the British sugar refiners; adding, however, at the same time, that, under the peculiar circumstances of the situation in which the body stood at the present moment, he could not think of proposing any measure on the subject to which they could offer any reasonable objection. As yet he was unprepared to say what the opinion of the West-India body was, but he had no hesitation in saying he did not think the West Indians would offer any opposition whatever to his proposal. The principles on which he had proceeded and would proceed, embraced a distinct understanding that the produce of the West-India colonies should have the power to exclude foreign sugar from the home market; but he did not think the West-India body should have the power of preventing the refining of foreign sugar for the foreign markets. With regard to the Motion, then, which the hon. Gentleman had made, he had only to say that, if he would not consent to omit the word "immediately," unless on the understanding that the sugar so admitted should be refined in bond, and then exported (and then he had no objection to the Resolution being passed as it stood), he should be under the necessity of opposing his proposition. The object which the hon. Member had in view was doubtless, either the immediate revival of the Act which expired in 1831, or the enactment of some such measure, and to neither of those objects could he at the present moment give his co-operation. The great difficulty in the way of passing a decisive measure was the impossibility of ascertaining the amount of refined sugar to be expected from each hundred weight of the raw material. Sixty-one pounds of refined, or eighty-one pounds of bastard sugar, was the general calculation; but both, he believed, were incorrect, and until

the calculation could be accurately made, it was not possible for the Legislature to frame a measure founded upon anything like just or equitable principles. For the present, therefore, nothing more than a temporary enactment could be proposed; and should the West-India body not offer any opposition to his proposition, that foreign sugar might be refined in bond, and then exported, he would lose no time in introducing and passing a measure for that purpose. Whether it would remedy the evils of which the trade complained, he could not of course undertake to say; but admitting that something must at once be done to effect that object, he contended that no better proposition presented itself. The noble Lord concluded by leaving it to the hon. Member to decide, whether he would omit the word "immediately," or apply his Resolution only to sugar in bond, and when refined, at once exported for foreign markets, in which case he would not oppose it.

Mr. *Marryat* said, that the permission to the refiners to refine foreign sugar in bond, and then export it for foreign consumption, could do no harm whatever to the West-India interests, but, at the same time, that it would do little, if any, good to the refining trade. Some time ago, such a measure of relief would have been a boon, but the trade, he feared, was now too much distressed to be assisted by it. He feared Government would find no small difficulty in framing regulations to secure the exportation of the whole of the refined produce, and unless this plan was completed in that regard, they would, beyond a doubt and with justice, meet with opposition from the West-India body.

Mr. *Hawes* expressed his approbation of the plan of relief which had been announced, and hoped the noble Lord would lose no time in introducing a measure for carrying it into effect. It would, it was true, be but a temporary expedient—a species of legislation which, on general principles, it was unadvisable to adopt; but as it would enable the trade to get on until a more permanent and more efficient enactment could be devised, he trusted it would meet with no impediment in its progress through the House.

Mr. *Bernal* said, that the only point on which the West-India body hesitated before expressing their concurrence in the plan of the noble Lord referred to the possibility of binding the refiners to conduct the process of their trade in bond, or, more literally speaking, within the narrow circumference of four walls. If that could be done, or if adequate means could be devised to secure the interests of the West Indian, in the British markets, he was confident they would most joyfully assent to any measure which procured relief to the refining trade. For his own part, and he spoke as a member of the West-India body, he entertained no fear that the intentions of the Legislature would be evaded by the refiners if proper precautions were taken, and he would, therefore, should the noble Lord decide upon introducing the measure, give it his support.

Lord *Sandon* contended, that if the sugar refiners were not satisfied with the arrangement which the noble Lord proposed, they had something more in view than the mere object of keeping up their trade. He understood they were not satisfied, and had expressed an opinion, that the permission to refine sugar in bond, and then export it, would do them no good whatever. Now, if that information were correct, how could they make out a case to prove that their only object in stirring the question was to obtain permission to refine sugar for exportation? If that was their sole object, who, he asked, objected to allowing them to refine it in bond? He contended, that the refiners were in error in attributing the depressed condition of their trade to the protection of the home market against foreign sugars. The real cause of the decline was to be found in the fact, that since the peace almost all foreign Powers had adopted the protecting system, and in each was encouraged home manufactories, to the exclusion of British products? In France, for instance, so great was the encouragement held out by Government to resident refiners, that the bounties paid on home refined sugar during the last year exceeded 76,000*l.*, a sum nearly equal to the duties levied on account of that article. But, even admitting that the exertions of foreign Powers to encourage home manufactories was not the cause of the decline, he denied that the distress at present felt by the refined sugar trade was attributable to the prohibition against foreign sugars. Hamburgh had free access to foreign sugars, and yet her refining trade was equally depressed with that of Great Britain. The noble Lord in conclusion stated he would offer no opposition to the motion, and he only hoped it might have the effect which its mover seemed to expect from it.

Dr. *Lushington* thought the statement of the noble Lord who had just sat down, in which he attributed the lamentable decline of the refining trade to the encouraging system of foreign Powers, afforded the best possible argument in favour of an extensive alteration in the laws which pressed on the refining trade. Unless Great Britain gave her manufactures as much encouragement as foreign Powers extended to theirs, the time was not distant when our commercial prosperity, and with it the general prosperity of the nation, must fall. The hon. and learned Member proceeded at great length to depict the distress which was felt among his constituents in consequence of the decline in the refining trade, and to urge on the Government the propriety of not losing an hour in granting them some relief. Those whose interests he advocated asked for no bounty—no unfair advantage—no unjust monopoly. They acknowledged the title of the West Indian colonies to supply the home markets; but they put in their claims to be allowed to employ all the means in their power to keep up their trade. He hoped the proposition of the noble Lord would at once be carried, for, unless something was immediately done, before Christmas the trade would be altogether at an end. The proposal of the noble Lord was unquestionably inadequate, but it would effect some relief, and he would therefore hail it with gratitude.

Mr. *Robinson* would support the noble Lord in carrying his proposition into effect, not from a feeling that it was adequate for the entire relief of the trade, but from the conviction, that if nothing was effected before Parliament separated, there would be no necessity for legislating at all next Session, it being impossible the trade could linger out three months longer in its present depressed condition.

Mr. *Poulett Thomson* said, he should detain the House but a short time; but if they understood this subject, as he was sure they desired to do, they would agree with him, that it was one of the most important that could be brought under the consideration of the House. If the hon. Gentleman had studied the question a little more fully, he would not have spoken in the manner he had done, nor have deemed the question so easy of solution. He did not blame the hon. Member for the objections he had made to the present system, but because the hon. Member had not sketched out a plan by which he could effect the object he aimed at. Every one must agree with the hon. Member, that it was most desirable the end he had in view should be attained, and that full employment should be given to the inhabitants of the Tower Hamlets. He believed, that that hon. Member desired to effect that object; but it must be effected in such a manner as to enable the House to adhere to the principle, from which he trusted they would not depart, of keeping, so far as it was possible, the monopoly of the home consumption of sugar for the West-Indian sugars, especially now that the system of negro slavery was about to be abolished. His opinion was, that this country should, as much as possible, retain the business of refining for the whole world; but that this could not be done without giving a bounty on such refining, which he thought inexpedient, or admitting foreign sugars for refining here. He did not believe, that this country could become a refining country to any extent without doing the latter of these two things. Still they might do as much as they could to produce that effect. He had already prepared a bill to admit foreign sugar in bond for refining. With respect to the political part of the measure he had nothing to do with it—that he left to his noble friend; but the other part of the Bill he had prepared, and was ready at once to introduce it. Now, however, he was told that such a measure would not satisfy the refiners, who wanted the Bill of 1830. To calculate the amount of duty that should be laid on foreign sugar it was necessary to proceed on a proper basis. He should to-morrow lay on the Table of the House the last Report on the experiments undertaken by Dr. Ure, at the desire of the Government, and carried on during a period of eighteen months. There were experiments which showed that on foreign sugars, when refined with West-Indian sugars, there was, in fact, a bounty paid on their export. He should now state some facts to show how that bounty operated, and that it therefore became impossible to frame any scale for the admission of foreign sugars on a duty, unless a bounty was given upon foreign sugars when refined, which he hoped that House would not agree to. There had been three experiments as to the refining of West-Indian sugars. The first was on a parcel of indifferent sugars purchased at the average price, and the only bounty given on that was 1*s.* 6*d.* On the second experiment

the bounty was 5*s.*, and on the third it was 6*s.*; these were on West-Indian sugars. This bounty would be beneficial to those engaged in the trade, though they would not directly receive it. He had made as many inquiries as he could on the subject, and in spite of the repugnance of most men to exhibit their accounts, or to show the result of the calculations on the process of refining, there was, however, one manufacturer who had shown him all the books for the last three years, with calculations of the amount of the bounty. In the first year the amount was 4*s.* 10*d.*; on the second 4*s.* 3*d.*; and on the third year it was 3*s.* 9*d.* That showed that there was on such a mode of refining a bounty of from 4*s.* to 5*s.*, if not higher, on every cwt. of West-Indian sugar, which was refined in this country. Experiments had then been made with respect to the refining of foreign sugar, and on the first parcel the bounty was 2*s.* per cwt. That parcel was Brazilian sugar, but when that kind of sugar was mixed with one-half of West Indian sugar, the bounty rose from 2*s.* to 3*s.* 3*d.* the cwt. This fact showed that, by some chemical combination, the two sugars when united, could be refined so as to produce a greater value than belonged to either when refined separately. When the Brazilian sugar, subjected to this experiment, was sugar purchased not at 3*s.* below the average price, but at the average price itself, it produced on being refined, a bounty equal to 8*s.* the cwt. It, therefore, appeared, that the yielding of sugars was different on account of the qualities of the different sugars before being refined, and that could not always be determined by the price, which could not be relied on as the exact measure on which the drawback could be founded. The revenue ought to be placed in the situation of repaying on export no more drawback than it had received duty when the sugars were imported for the purpose of refining. He conceived that the result of these experiments must be conclusive, not only to the mind of his hon. friend, the member for the Tower Hamlets, but to the mind of the hon. member for Worcester. The only course which it appeared to him could now be properly followed, would be to allow of refining all sugars in bond. Then, however, they must prepare to be met by a difficulty. There would be no difficulty in allowing sugars in bond to be refined, if, according to the trade of the refiners, those persons were not obliged, from the state of the market, to refine such sugars for home consumption. The refiner, however, could not always depend on exportation alone. Yet if he refined sugars in bond, he must be stopped from receiving the benefit of the home market, so far as related to such sugars. This would not give him all the advantage it was desirable to afford him. In giving him the liberty of refining sugars in bond, it would not be advisable to permit him to refine foreign sugars only, but he must be allowed to mix foreign sugars with others, for one great advantage to the refiner, as he had shown, was in mixing these different sugars in the process of refining. The object of the Legislature, therefore, must be to enable the sugar refiner to bring together these two qualities of sugar. He should propose, therefore, to permit all sugars in bond to be refined for the purpose of exportation without payment of the duty. That would answer the end of his hon. friend opposite, with the single exception he had already stated. To any other plan he should object, because he believed there could be no other that would not be in some degree more or less injurious to the revenue. Then came another important branch of the question—namely, the bounty on West-Indian sugars. The hon. Member had said, in reply to the observation made, that that House could not wish to act on the principle of giving a bounty to foreign sugars. "Why, you give a bounty on West-India sugars—then why not on foreign sugars? If it is good in one case, it must be good in another; if it be just in one case it must be just in another." In that principle he concurred, and he took that opportunity of saying, that his conviction was, that the only means they had of settling this question was that of doing what was just to all parties—namely, permitting the industry of the people of this country to be employed in furnishing, if they could, all the markets of the world, and taking care that neither of these things should happen—that on the one hand, the people of this country should not pay a higher price for the article they consumed in consequence of the bounty that was given on sugars to be exported—nor, on the other hand, that the refiners should suffer to the same extent. The only course which they could adopt was, to determine that all sugars which remained in this country, but were intended for exportation, whether British, colonial, or foreign sugars, should be allowed to be refined while in bond. It

was notorious, that the quality of the sugar had most extraordinarily improved in the West Indies, so that they now brought sugar almost in a refined state from the Colonies, but it was entered as raw sugar, and came in at a duty of 24*s.* He would state, if the Committee would permit him, one example to show the mode in which, from their system of drawbacks, vicious schemes were resorted to for private benefit, at the public expense, These were with the object of getting in sugar at a low duty to send it out and receive a high drawback. Latterly a process had been adopted in the West Indies, by which one boiling of sugar produced it so much crystallized, that it could, without further process in purifying, be brought over here, and being admitted on paying a duty of 24*s.*, could at once, simply by being put into a mould, and put through a stove, and without further trouble or expense, pass the standard of single loaf sugar, and receive a bounty of 36*s.* By this method the importer of such sugar put 12*s.* a cwt. into his pocket, and the country was defrauded to that amount. Measures had been taken to put an end to that particular method of defrauding the revenue, but he mentioned the circumstance to show how the system of drawbacks worked. It was said, that by the plan now proposed the refining trade carried on in the West Indies would be injured. To this he would reply, that if that particular branch of industry could prosper in the West Indies, well and good, but let it not be at the expense of this country. He believed, it was impossible, for the reasons already stated to fix a proper amount of drawback —that was an amount exactly equal to the duty paid—and, therefore, the question was, whether this country was to continue to pay the enormous sum it now paid, under the name of drawback, or bounty? It was important to inquire what was the amount of the tax levied on the people of this country as a bounty on sugar. Taking the amount of the bounty at 4*s.* per cwt, which he believed was under the mark, and taking the total quantity of sugar imported annually to be 4,000,000 cwt; the sum paid by way of bounty would amount to 800,000*l.*, and that sum was paid without the country knowing anything of it. Now, it was not for him to propose at present to abolish all bounties, but, if they existed, he thought the sum so applied should be known to the country, and appropriated by the House. With respect to the particular evils and inconveniencies which had been pointed out, there was no other way in which they could be got rid of but by getting rid of the system of drawbacks. In order that he might not be misunderstood, he wished to explain what he had said as to the amount paid by the people of this country as a bounty on sugar. He did not mean to say that so large a sum as 800,000*l.* was lost to the revenue. The revenue only suffered to the extent of the decrease of exportation. Suppose the value of the sugar exported to be 1,000,000*l.*, then the loss to the revenue was 200,000*l.*; but this, by the price of the article, was raised in this country to the amount of the bounty paid on sugar exported; and the total quantity of the sugar imported being 4,000,000 cwts, as already stated, he thought it was not too much to say, that the consumers of sugar in this country paid the sum of 800,000*l.* as bounty. They should take measures to know whether the duty had been paid or not before they allowed the bounty on the sugar exported after being refined. The right hon. Member apologised for having detained the House so long, and expressed his hope, that the hon. Member would alter his Motion to the following form:—"That it is expedient that sugar under lock be admitted for refining, for the purpose of exportation." That would give the hon. Member all he required, unless he was prepared with some plan founded on a scale of duties altogether different from the present, or unless the hon. Member wished to give a bounty to the export of foreign sugar; a scheme to which it was to be hoped, the House would not give their assent.

Mr. *Patrick Stewart* said, that the Motion exceeded the limit put forth in the petition. All that the West Indians wanted was to be dealt justly with; and he defended them from the imputations cast on them by the right hon. Gentleman. As to the observations about distress, he thought that that ought to be put out of the question; for it was but distress against distress. All that they required was, to be secured against the competition of those slave-driving colonies, where the cost of labour was less than in our Colonies. The colonies would be so much injured by the change now about to be made, that they must depend on something more than the export trade. They wished that the sugar refiners of this country should be put into good spirits, but that that should not

be done at the expense of the sunken and degraded colonies.

Mr. Alderman *Thompson* had come down with the intention of supporting the Motion of his hon. friend (the member for the Tower Hamlets); but after the very able speech of the right hon. Gentleman he had determined to support the Amendment, if it should be put as such. His Majesty's Ministers did right in determining, even at that late period of the Session, to relieve this important branch of the commerce of our country. He thought that the hon. member for the Tower Hamlets ought to be satisfied with the right hon. Gentleman's proposition, at least for the present Session.

Mr. *Harvey* congratulated the hon. member for the Tower Hamlets, upon the Government having conceded—for such he thought they had done—all that had been asked. He was a convert to the doctrines of the right honorable Gentleman, although he had entered the House determined to oppose him. The right hon. Gentleman had succeeded in making a dry technical subject interesting.

Mr. *Briscoe* congratulated the hon. member for the Tower Hamlets on his success, and congratulated the country on the results which must follow from the speech of the right hon. Gentleman, since he had stated that not less than 800,000*l.* were paid as a tax by the people of this country. He trusted that that money would in future be allowed to remain in the pockets of the sugar consumers; the more especially, as that amount would be sufficient to pay the interest of that large sum which the Parliament had just voted to effect negro emancipation.

Mr. *Clay* wished to know whether he was to understand that the Bill would permit the refining of British Colonial sugar, the same as the foreign; and, secondly, whether the Bill would permit the introduction into the British market of the British Colonial sugar, so refined in bond, on the payment of a fair and adequate duty?

Mr. *Poulett Thomson* said, that as to the first question whether or no British plantation as well as foreign sugar, was to be admitted into bond, he had no difficulty in announcing, that, of course, it would. That was, in fact, an essential part of the plan. With regard to the second question, however, he must give a different reply. It was utterly impossible to permit West-India sugar refined in bond along with foreign sugar to be introduced for home consumption, for if that was allowed who could answer for it that foreign sugar would not escape and come out for home consumption. If the House next Session adopted the plan he had sketched out, foreign sugar might be refined in bond, and admitted for home consumption on payment of a certain duty, but at present it was impossible.

Mr. *Clay* said, that, after the answer which the right hon. Gentleman had given to his second question, he did not see how it was possible for him, in accordance with the pledges he had given, to assent to the Amendment.

Mr. *Hume* wished to know whether persons importing sugar for refining would be permitted to work one-half the year for home consumption, and the other six months for foreign consumption. If a clause which would permit this could be introduced, he conceived it would be a great gain to the refiners. He could not sit down without urging his hon. friend (Mr. Clay), though he had not got all he sought for, to accede to the Resolution proposed by Government.

Mr. *Poulett Thomson* said, that the point to which the hon. member for Middlesex (Mr. Hume) adverted, would be provided for in the Bill. Those who received sugar on which the duty was not paid, must receive it on premises approved of by the Customs, and under the Government lock, and as soon as they began to refine for home consumption, the lock would be taken off.

Mr. Clay withdrew his Resolution, and the Resolution proposed by Mr. Poulett Thomson, was put and agreed to.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.] On the Motion, that the House resolve itself into Committee on the Abolition of Slavery Bill,

Mr. *Fowell Buxton* rose, and said, he felt the greatest mortification, in common with all other friends to emancipation, in finding this Bill neither a safe nor a satisfactory measure. Important changes had been made in it since it had been first introduced to Parliament, but he was sorry to say, that these changes tended all to the benefit of the planter, and the detriment of the slaves. He could never forget the eloquent speech which he had heard from the right hon. Secretary on introducing this measure, of which one of the principal objects was, to show that it would be folly to

leave any part of this matter to be taken up by the Colonial Legislatures. He had made some extracts from the speech, and as they were more forcible and eloquent than anything he himself could say, he would read them to the House. [The hon. Member accordingly quoted several passages of the right hon. Secretary's speech on May 14th—for which see the "Debates," vol. 17, third series, p p. 1198, 1199, 1201, 1202, and 1206. They all bore on the two circumstances that the Colonial Legislatures had done nothing to gratify the wishes of the Parliament, and were not to be trusted in carrying its wishes in future into effect.] Such, continued the hon. Member, was the language which the right hon. Gentleman used, and after that language, it was with the greatest surprise that he had read the contents of this Bill; for he found one clause whereby twenty-nine articles, such as the food, clothing, lodging, maintenance, and regulations of the slaves, were all assigned over to the decision of the Colonial Legislatures. He also found another clause, whereby it was left to the Colonial Legislatures to make laws necessary to establish such regulations without any restriction whatsoever. The House would find that clause at page 10 of the Bill; it was in the following terms: "And whereas such regulations as aforesaid could not without great inconvenience be made, except by the respective Governors, Councils, and Assemblies, or other Local Legislatures of the said respective colonies, or by his Majesty, with the advice of his Privy Council, in reference to those colonies to which the legislative authority of his Majesty in Council extends; be it therefore enacted and declared, that nothing in this Act contained extends, or shall be construed to extend, to prevent the enactment by the respective Governors, Councils, and Assemblies, or by such other Local Legislatures as aforesaid, or by his Majesty, with the advice of his Privy Council, of any such Acts of General Assembly, or Ordinances, or Orders in Council, as may be requisite for making and establishing such several rules and regulations as aforesaid, or any of them, or for carrying the same or any of them into full and complete effect." That provision, he contended, gave into the hands of the Colonial Legislatures a complete control over all the details of the measure. In many, and some of them most material, respects, the interests of the negroes had suffered most essentially. But let the House look at the manner in which the interests of the planters had also been advanced in the meantime. His Majesty's Government had been endeavouring he believed, for the last twelve months to discover the real value of West-India property. The Ministers had told the House in April last, that they had for some time been so employed, and it was not many days since the right hon. Secretary had informed the House, that the result of their inquiries was, that a loan of 15,000,000*l.* would be a full and equitable relief to the planters. Since that time the loan of 15,000,000*l.* had been converted, first into a gift of 15,000,000*l.* and afterwards into a gift of 20,000,000*l.* The effect of this was, that a very great advantage had been conferred upon the West-India interest. Debts which were considered bad debts in April last, were considered good debts now. Individuals who were bankrupts in April, were now solvent; and he looked upon this measure as one of the greatest, and as one of the luckiest windfalls that by any possibility could have befallen the West-India interest. Let the House merely reflect upon what the West-India proprietors had been doing for the last forty years. Had they not been protesting, over and over again, that they got nothing from their property? Recently they had declared, that they were in a worse state than ever. Now, mark what happened. The popular cry became louder and louder against the abominations of slavery; a Government came in, which was considered, he would not say hostile to the West-India interest, but hostile to slavery; and then, to the surprise of all the world, the planters ran away with 20,000,000*l.* of English money as the supposed value of that part of their property which they gave up in their slaves. In getting that sum he maintained that the planters had got not only a full but an enormous compensation. He was ready, and so he was sure were the people of England, to give the planters 20,000,000*l.* as a compensation, provided that the slaves received complete emancipation in return. But he would tell the country distinctly, that if this plan of apprenticing the slaves was persisted in, the planters would get much more than in common justice they were entitled to receive. He wished the Committee to recollect the value at which the planters had estimated their property a few years ago, when they came to that House as petitioners for relief. He could assure the Committee that it was low enough. Last year, as every body knew, a Select Committee sat to investigate into

the value of property in our West-Indian colonies. Before that Committee there appeared as a witness a Mr. John Innes, a most respectable gentleman no doubt. Mr. Innes was asked, "How much does it cost to rear a young negro to the age of fourteen years?" His reply was precise. He said that it cost the exact sum of 226*l.* 14*s.* 10*d.* Not only did Mr. Innes say that, but he said further, that he had taken great pains to investigate that subject—that he had submitted his data to the consideration of several planters, who were practical men, and that they had not been able to detect any error in his calculations. He wished the Committee, now it was put in possession of the fact, that the cost of rearing a young negro was just 226*l.* 14*s.* 10*d.*, to recollect that it also appeared in the same evidence that 10 cwt. of sugar was the quantity raised by each negro. Now, he wanted to know what sum the planters made by each cwt., and to obtain that knowledge he had gone to the evidence of Mr. K. Douglas and another gentleman; and he found that they said, that they got only 6*d.* by each cwt. He was aware that there was another party who said that they lost 6*d.* by each cwt.; but he would not stand upon trifles, and therefore, he would take it for granted, that they did make 6*d.* per cwt. Now, at this rate, each negro made for the planter 5*s.* a-year. "It cost the planter," said Mr. Innes, "226*l.* 14*s.* 10*d.* to rear the negro," and for all this outlay of money and trouble, they called upon us to believe that they only got 5*s.* a-year; why, you might go to any insurance office and buy—nay, you might buy of the Government itself—that sum on the life of a negro for 6*l.*; and yet the planters said, that it cost them 226*l.* 14*s.* 10*d.* "But," said the planters, "only one slave out of three whom we rear, becomes effective." If that were so, then the cost of rearing a slave was three times 226*l.* 14*s.* 10*d.*, or 680*l.* 4*s.* 6*d.* Then the planters brought forward the governor of one of the islands, Sir John Keene, who told the Committee, that an English labourer would get as much as ten slaves; so that an English labourer was worth ten slaves, or somewhere about 6,800*l.* Now, if there was to be any confidence placed in the statements and calculations of these West-India proprietors, the Committee must come to this conclusion—that it costs so much to rear a negro—that the negro when reared was so perishable an article—and that it was also so expensive a matter to make him work, that nothing which the House could do, could render West-India property a profitable investment for a long period of time. He did not grudge to the West-India proprietors this gift of 20,000,000*l.*; on the contrary, he said to them as a friend, "Take it, whilst it is yet near you; take it now, whilst you can get it—for if you do not, you will not have the slightest chance of getting it in another year; nor will you now have the apprenticeship and the 20,000,000*l.* together." He knew what the feelings of one part of the public were. They were looking with anxiety to the decision of that night—they were willing, if complete emancipation were granted, to pay 20,000,000*l.* for it; but if the planters insisted upon this apprenticeship, then they would not allow the planters the chance of getting any such enormous sum. With regard to the question of apprenticeship, he knew his own incompetence to argue with the ability and eloquence of the right hon. Secretary; but if he knew anything at all of common sense, this was one of its plainest dictates—that the world only knew of two modes of obtaining human labour—hope and fear—the inducement of reward and the compulsion of want. He would willingly abandon all his doctrines upon this subject, if any gentleman would only point out to him any community which had ever laboured assiduously, except under one or other of these two motives. He complained that in this Bill you gave the slave neither hope nor wages. He had proposed that the planter should give him wages, but that proposition had been rejected. As the Bill now stood, the slaves were to work for seven hours and a-half in each day without wages. He would not enter into the question of the abstract right of each man to the labour of his own body—he would not say, that the slave had a positive right to his own labour. The right hon. Secretary, however, said, that the slave was to work for twelve years as an apprentice to his master, without receiving any wages. He considered such a provision to be a gross invasion of equity, and a direct robbery of the negro. There must be a motive to influence man to labour; but there was neither hope nor fear left to the unprotected negro; and yet it appeared, that we were absurd enough to entertain the idea that the negro, whom we always represented as idle and lazy, would be induced to work without having either hope or fear to support him through his toils. One of the witnesses—a Scotchman, he believed—had

vapoured a good deal about the idleness of the negro, and the industry of the Scots. Upon that he had taken the opportunity to ask him this question:—"Did you ever know an intelligent Scotchman who could be induced to work without wages?" He replied, that he had never been so fortunate as to meet with such a Scotchman, so that the argument of the other side came at last to this—that if it were a fault to be reluctant to work without remuneration, it was a fault that attached to our northern neighbours as well as to the negroes; and that if the negroes were to be made slaves in consequence of that fault, he should deduce from it that all Scotchmen must be slaves too. But the doctrine was too absurd to be seriously entertained for a moment, for the fact was, that you could not get any man of common sense to give away his exertions, without reward. He believed, that the first effect of this measure would be a total suspension of all labour in the West-India colonies, not because the negroes were unlike the rest of mankind, and would not work but because they were like them, and would not work without an adequate motive. But he would ask the Committee to consider whether the people of England, who looked to the advancement of the moral as well as the physical condition of the slave, would be willing to pay the enormous sum of 20,000,000*l.* to create so long a period of idleness? He had no doubt, that the right hon. Secretary would say, that the negro, if he refused to work, would be under the control of the Magistrate, and would thus be liable to the old system of force. If such were the case, then he would undertake to affirm that greater force would be needed than ever. Now, the instrument of torture was kept in sight in the field, and the negro worked under the influence of the lash; but, under the proposed alteration of system, the offending negro, before he could be punished, must be taken before a magistrate. You must institute a species of judicial proceeding against him, and thus, by your delay, you would rob the whip of half its terrors, and be compelled to make them up by increased severity of punishment. The planters said, that there had been no cruelty—he did not say that there had been cruelty—he had repeatedly admitted that there had not been; it was not cruelty—it was necessity; for, as long as slavery existed, you must have the whip. If it were placed at a distance, depend upon it, the Magistrate would be compelled to use it more powerfully. But he again asked, would the people of England consent to pay 20,000,000*l.* for such an object? Even that, however, would not be the worst that would happen. A recurrence to the old system of violence would as surely cause an insurrection of the blacks in Jamaica in 1834, as it had caused the insurrection in St. Domingo in 1794; for when their hopes of freedom and of wages were destroyed, he could not venture to entertain any further hopes of peace and tranquillity. He had had the opportunity of seeing several communications from the missionaries to their friends at home, and he had also had the opportunity of hearing the sentiments of many persons who had resided in Jamaica, and who were not friendly to his views, and they all agreed upon this point—that if you did not determine to do justice to the negro, and to pay them wages, and that forthwith, you would have an insurrection of the blacks in that colony. What, he would ask, was the main cause of the late insurrection in Jamaica? It was the determination of the negroes not to work without remuneration. He made this assertion on the authority of the confessions made by the generals of the negroes just before they were executed. One of them said, "I know that we are free; I read it in the English newspapers. I have taken an oath that I would not work after Christmas without satisfaction for my labour, and I will not do so." Another said, "That he had been advised by his comrades to say to his master, when he came to ask him to work, that he would not unless he got wages." Another said, "We will not rebel, but we will not work without satisfaction. We have worked long enough for buckra without wages, and we will not work for him so any longer." This was the case that he had to lay before the House; what he wanted was, that the time of the apprenticeship should be reduced to the shortest period, which might be necessary to establish on just principles the system of free labour for adequate wages. We had already tried in another part of our dominions, the experiment of emancipating 30,000 persons in the last four years, and no experiment could have answered better. We had emancipated the Hottentots at the Cape of Good Hope, and the result of their emancipation illustrated both the principles for which he was then contending. They had been in a state of bloodshed—they were now in a state of freedom; and Mr. Barrow, speaking of them, had observed, "that in their apprenticeship they were in a state

of existence, to which that of slavery might bear a comparison of happiness." They were apprenticed at nominal wages. They were children under twenty-five years of age; they were flogged at their masters' will, and they laboured under a perpetual mortgage of their own bodies. There was, however, a higher authority at present in the country on that subject, and he said, "That these apprentices were in a much more degraded state than the slaves themselves; and that they were proverbially indolent and improvident." Captain Stockenstrom strongly confirmed, and at greater length, this statement, for he said, "They were subject to the same coercion and punishment as slaves, but that they were not so well fed and clad; that they were exposed to dangers and privations, to which no master would expose his more valuable cattle—slaves." The idea of liberating the slaves was thought sane in comparison to that of freeing the Hottentots; but an order in council fortunately went out to that colony, which left nothing to the discretion of the local authorities but which was in itself imperative. There was a great outcry raised, but mark the result: though some temporary inconvenience was felt in consequence of immediately letting loose 30,000 persons in a state of the lowest degradation, he had it from the commander of the district, that in six months things had settled—that 25,000 out of 30,000 returned to their work—that they worked better than they had ever worked before—and that they all agreed that there was a great improvement in their condition. The other 5,000 went and settled on the Kat River. The Boors said, "You had better give the land to baboons," but the land now was a perfect garden. He believed that there was not anywhere a more industrious community in the British dominions; and the writer of a letter to him said, "I am at present in the midst of 4,000 Hottentots, as well fed, as well clothed, as active and industrious, and having as large a share of intelligence and piety, as could probably be found among as many Scotch peasants in any one place in our highly-favoured country. Now, this gentleman was a Scotchman himself, and, therefore, competent to give an opinion. In another letter, dated March 7, 1833, he said, "Oh this is Scotland in her best days." He also said, "What the Hottentots have done in the cultivation of lands in this country since 1829, astonishes their friends, and enrages those that think that Hottentots should never have been allowed to hold either cattle or land." Again he said, "The Kat River Settlement furnishes one of the most splendid illustrations of the absurdity of the all-hackneyed objections to the freedom of the slaves from the necessity of making them fit for freedom. There is no class of men upon earth more fit to be made free than those who have been all their lives in chains, and no people can use liberty better than the Hottentots have used theirs." He had a letter from another gentleman, corroborating all the statements which he had just read to the House. That gentleman was an officer in the army, and had informed him that these slaves not only entirely supported themselves, but also supplied the army with forage. From this statement he thought he was justified in inferring, that if the slaves in the West-Indies were emancipated, and encouraged to work for wages, it would not be found difficult to convert them into peaceful contented labourers: but that if wages were refused, the consequences would be unjust and injurious to the slave in the first instance, and dangerous to the planters in the second. In the full conviction that the Legislature could do nothing so good as to give full play to the natural feelings and motives of men, with regard to punishments and rewards, he should move, that it be an instruction to the Committee that they shall not, for the sake of the pecuniary interests of the masters, impose any restraint or obligation on the negro which shall not be necessary for his own welfare, and for the general peace and order of society; and that they shall limit the duration of any temporary restrictions which may be imposed upon the freedom of the negroes to the shortest period which may be necessary to establish, on just principles, the system of free labour for adequate wages.

The question was put from the Chair.

Mr. Secretary *Stanley* said, that after the recent long and close discussion of this subject, unless the hon. Member had some views not explained—unless there were some preparation to be made, or the pulse of the House to be felt with a view to ulterior objects, he might have spared his present address, and rested upon the general decision to which the House had already come. He might, perhaps, save himself the trouble of making a long reply by referring to the fact, that the House had given its sanction to the principle of apprenticeship—that it formed part of the plan upon which the Committee was about to enter

—that it was inconsistent for the House to adopt the principle, and then to give an instruction to the Committee which would defeat it; but he had no wish to shrink from the discussion, and should therefore meet the proposition openly and fairly. He had heard with surprise the charge that all the alterations had been made to the advantage of the planter and the detriment of the slave; for, when he first introduced the subject, the conditions imposed upon the slave were, that for seven and a-half hours in each day he should labour for the benefit of his master—that for the rest of the day he should indeed be free to work for himself, according to a scale of wages; but that the whole of those wages were not to be devoted to himself, or to his family, but held for the State, for twelve years, as the price of emancipation. The change that had been subsequently made, in this respect was clearly for the benefit of the negro. Was it to his detriment that a quarter of his time had been given to him for his own exclusive advantage? Was it to his detriment that he had not been called upon to pay a tax to the State. The hon. Member, therefore, was not treating the Government fairly, when he asserted that every alteration had benefited the planter and injured the negro. The hon. Member had argued, that all the alterations which had been made in the Bill since its first introduction had tended to benefit the planter, and not the negro. Was the alteration which had been made respecting the payment of the compensation money one of those particularly to which the hon. Member alluded? The money at first proposed to be paid was to be a grant to the planter, but to be repaid in twelve years from the produce of negro labour; but Parliament had since agreed to take upon themselves the whole cost of emancipation, and the negro was to be stimulated to exertion by enjoying the fruits of his own labour. Was this, then, an alteration which operated to the detriment of the negro? He would ask the hon. Gentleman, who had always stood forward so prominently in behalf of the negro—and no one more respected that hon. Gentleman's motives than he did—whether this was one of the alterations in the Bill which ought to be deprecated? The hon. Gentleman said there had been other alterations, not only in the details of the measure, but in the very principle upon which the Bill was founded. In the first place, he would deny, in strong terms, but not stronger than the occasion required, that Government intended to leave the abolition of slavery to the Colonial Legislatures. They were to leave to the local Assemblies the choice whether they would or would not take steps for abolishing slavery. Experience had shown that they would do nothing willingly to effect that purpose, as was evident from the small progress which had hitherto been made; so that he did think, that the time had arrived when the country had a right to expect, not the immediate extinction of slavery; for that the hon. Member himself never asked; for that he had allowed to be as ruinous to the slave as to the master; but the country had a right to expect, that they should take such steps as would lead, at no distant period, to the extinction of slavery. The hon. Member would find, that from the 1st of August, 1834, slavery would be entirely abolished throughout the territories of Great Britain. Was this no step gained? He would ask the hon. Gentleman, or the most sanguine of his supporters, whether four or five years ago they could have believed, in their fondest expectations, that it would be enacted by a British Parliament, that through the wide realms of the British empire, slavery should entirely cease on a certain day—that the term "slavery" should be blotted out, not only from our Statute Book, but out of all the colonial Statute Books; that it should be declared to be a condition of man which could not exist in law? He would ask, if any one had stated such expectations, whether they would not have been inclined to stigmatise it as a base deception? Yet the hon. Member seemed disposed to throw additional difficulties in the way of the settlement of a question already sufficiently embarrassing. He did not mean only the difficulties which arose from the conflicting interests which were concerned, but difficulties arising from political considerations —difficulties in legislating, in this country, upon a subject of such extent. With an imperfect knowledge of the state of society, they were about to effect a complete change in the entire population of districts so extensive, in climates so various, in countries so remote, and living under laws so different. They had all these difficulties to contend with, increased by the too sanguine expectations and desires of the friends of liberty on the one hand, and, on the other hand, the too vivid, and not unnatural apprehensions of the planters. Through all these difficulties they had brought the question to that state, that, in three weeks, if

not checked by the hon. Gentleman, not only the Resolutions of the House, but an express Act would have declared, that the laws of Great Britain know not the name of slavery; that every man who lives under the British Crown is free. Did he ever state with regard to the details of the measure, and to the adaptation of the local laws to the new state of society—did he ever state that the concurrence of the Local Legislatures was not necessary? The hon. Member seemed to take his exceptions at random. He (Mr. Stanley) entertained for the hon. Member the most unfeigned respect; but he must ask, if the hon. Member could imagine it possible for that House to legislate properly for eighteen separate colonies, each having a different set of laws? If the House passed this Act in a spirit of defiance, the Local Legislatures would have a thousand opportunities not only not to assist, but to throw impediments in the way of the measure. If the matter were left entirely to the Local Legislatures, with the hope that they would themselves proceed to abolish slavery, the Parliament might reasonably doubt—it might fear—it might more than doubt and fear—nothing indeed could be more certain, than that the Colonial Legislatures would not take those steps which their own condition required; but when Parliament had once shown them that the step was inevitable—when it had pointed out to them the mode in which they were to proceed, and the manner in which the designs of Parliament should be carried into effect—when they were informed that it was the determination of Parliament to proceed with the measure in case of resistance, he was of opinion, that the matter might, in the first instance, be left in the hands of the local Legislatures, and that to them the filling up the details of the measure might advantageously be left. Would any Gentleman turn to the preamble of the 17th clause of the Bill, and look at the different circumstances which had to be considered in every different colony? He would then be able to tell whether it was possible at this late period of the Session, to legislate properly upon the subject. If the local Assemblies were convinced that it would be impossible for them to prevent the alteration, they would have the strongest reasons to make them co-operate with the views of Parliament. The Bill left it to the Colonial Legislatures to do that which the House could do if they did not do it. If the colonial Legislatures did not take measures for the abolition of slavery before August, 1834—if they did not pass laws similar to the provisions of the Bill—it would then come into operation, but he left it open to them to take these measures. If they adopted the recommendation of Parliament, they would have the full credit with the slaves and with the world of having abolished slavery by their own legislation. He hoped the hon. Member—he hoped that every man in this country, felt the importance of accomplishing the object of the Bill, provided it were accomplished in the most conciliatory manner to all parties—giving the slave absolute freedom at no distant period, leaving to the Colonial Legislatures, as far as could be done, the grace of passing that Act, and giving that compensation which, when the House had determined upon granting emancipation, he was sure the House would not refuse. In the next place he would refer to the question of apprenticeships, to which the hon. Member had more directly alluded. He had said, that this subject ought to be considered only with reference to the negro, and not to the master. He (Mr. Stanley) was of opinion that the apprenticeships were as necessary for the negro as they were for the master. The hon. Member had never himself advocated immediate emancipation, and in 1824 had distinctly said, that immediate emancipation would be no less ruinous to the slave than to the master. The hon. Member must allow him, therefore, to adhere to the opinion which the hon. Member had then advanced. He trusted that the House would sanction the apprenticeships as well as the compensation. He trusted that the House would be too just, not to say generous, to pass a Resolution depriving the planter of his property without granting him compensation. He did not shrink from avowing, that the plan of apprenticeships formed part of the payment which it was intended that the proprietor should receive. He was ready at the same time to admit, that when hon. Members assented to the principle of apprenticeships they did not bind themselves to the time that the apprenticeship should last. The principle had been asserted but the period of duration had been left vague and undetermined. Any hon. Member, therefore, was perfectly competent and free to vote for shortening the term of the apprenticeship, provided he did not destroy or fritter away the principle. Government, (for he would consider the House of Commons and Government as separate) had brought forward a great and important

question, not without reference to the vast interest in this and other countries, which were concerned in the decision of that question. He felt that he need not press it upon the House, that this question had become one entirely between the West India planters and this country, for slavery was already virtually extinct. Gentlemen had only to look to their own neighbourhoods. There was hardly an individual who was not, directly or indirectly, involved in the welfare and prosperity of the West Indies. There were two separate grounds upon which they calculated the amount of compensation. They had to pay down the value of the slave, the price of one-fourth of his labour for twelve years, and for the entire remission of all his labour after the expiration of the period of twelve years. The sum taken had reference to the rate of interest, and was consequently less than the value of the negroes, because it would be paid twelve years before the final extinction of slavery. In taking the value of the negroes, thirty millions was probably a fair valuation. Taking the number of slaves at 800,000, that sum would give an average of 37*l.* 10*s.* a-head. In the variety of particulars which had to enter into the calculation, it was impossible on such a subject to be perfectly accurate; but he would show that this was a tolerably near approximation. In the Commission for distributing the loan granted by this House to the West Indians, one of the objects mentioned was, to take evidence on oath with respect to the value of the slaves in the different islands. In the island of Jamaica, on twenty-four estates, containing 5,000 negroes, the average value of each was 40*l.* In Barbadoes, the average was, in one case, 38*l.*; but generally speaking, the average was between 40*l.* and 50*l.* on that island. In the five years, ending in 1830, the value, as ascertained by the books for the payment of the taxes, gave, upon 472 slaves sold in Jamaica, an average of 35*l.* 10*s.* In Trinidad, upon 331 slaves, the value averaged 36*l.* 15*s.* He made these statements only to show that his calculations could not be considered exorbitant. The average which he had taken would make thirty millions, which would have to be paid in twelve years; but it must be borne in mind, that the master lost one-fourth of the slave's time during these twelve years; and therefore it was not sufficient merely to pay down the value of the slave. He did not hesitate to say, that the system of apprenticeship formed part of the compensation by which the planter was to be indemnified. [Mr. *Fryer:* Why should we pay anything?] The hon. Member had asked a short and pithy question. He would tell him why the planter should be indemnified —because the principles of justice required that no man's property should be taken away without compensation—because the laws of England forbade taking away a man's property without the consent of the owner; because, in this case, the property would be taken away in the manner the most offensive; and, lastly, because, acting on the principles of justice, the House had declared, that emancipation and compensation should go together. The question was not about the principle of compensation, but about its amount. There was great difficulty in ascertaining what the amount should be, because the calculations depended upon a variety of considerations, and a small mistake in a minute particular would throw them all wrong. In the first place, they were taking one-fourth of the negro's labour from his master for twelve years, leaving him, at the same time, the whole charge of his maintenance, for three-fourths of his work. The expense of keeping 800,000 negroes, he thought, would not be overstated if he reckoned it at 2*l.* 10*s.* a-head; making thus 2,000,000*l.* a-year for twelve years. The amount would thus be swelled up to an enormous extent; and at least one-fourth of that ought to be saved by the master. The next consideration was the deduction which ought to be made for the sum to be paid, depending upon the rate of interest in consequence of the money being advanced immediately. If the rate were ten per cent, making allowance for the advances for the support of the slave, that would give 3,406,000*l.*; if eight per cent, 3,768,000*l.*; if six per cent, 4,900,000*l.* If they were to take six per cent as the rate of interest, and to take his calculation of the value of the negroes at 37*l.* 10*s.* a-head, giving altogether 30,000,000*l.*, the sum which they would have to pay would be 27,000,000*l.* as representing that which had been taken from the master. If they took the value of the slaves at 24,000,000*l.*, and the interest of money at ten per cent, the sum to be paid would be 15,000,000*l.*, allowing for the maintenance of the slave in the mean time. These were the strict grounds upon which they had proceeded, in order to compensate the planter for certain present losses and other prospective losses. He did not, therefore, hesitate to say, that

the apprenticeships had been considered part of the compensation to be awarded; and that it was intended to give the planter the advantages for twelve years, arising from the beneficial employment of him who is no longer to be a slave, but to be placed immediately in a state of modified freedom. The hon. Member had asserted, that the negro would not work without some stimulus or another, whether by sufficient wages, or by personal coercion. The hon. Member blamed the present scheme, because it neither supplied the one nor the other. He, on the contrary, contended that it supplied both. It took away the capricious exercise of the master's authority—it prevented vengeance; but it did not debar the master from exercising a summary jurisdiction over the slave, though it provided that the punishment should take place in cool blood, and before a Magistrate. He admitted that this would not be so effectual; but it would be better in other respects. He would ask the hon. Member, whether he knew, in this country, no instance of a man working without the impulse of either hope or fear? He wished to know how many apprentices there were here who laboured with no stimulus of hope or fear? [Mr. *Fryer*: There was a contract.] There was a contract, but it was not entered into with the consent of the apprentices. They were bound either by their parents, or, if they had none, by the parish officers. Like the slaves, or apprenticed labourers, as they were now to be, these had neither punishment nor wages; and it was rather an extraordinary position which had been taken by the hon. member for Weymouth, when he contended that it was necessary to flog men within an inch of their lives, or to give them ample wages, in order to induce them to work. Experience showed, that such was not the case; it was not borne out by the fact; and they ought to look, not to theories but realities. Looking at the question as prudent practical men, was not the House bound to see that the slave should not make that sudden and violent transition from slavery to freedom, which would ruin all who had embarked capital in the West Indies? Was it not better to sacrifice some of their abstract principles, rather than expose themselves to such consequences? They ought to be exceedingly cautious how they conducted an experiment, the magnitude of which had never been equalled. Let them see how the proprietors considered the question of apprenticeships. One and all declared, that if the negro did not give a certain portion of his labour, they must give up the cultivation of their estates; this country must sacrifice these once opulent colonies; a great number of their countrymen must be consigned to beggary and ruin; and the very means of supporting the negroes themselves must be taken away. It would be necessary for them to alter entirely the basis of society in these islands at once. For his part, he was not prepared to run such a risk; and he did not think it was for the benefit of the slave himself that such a risk should be run; it was not desirable that the negro should see the strong hand which weighed so heavy and so long upon him was at once removed. He had never denied that the slaves would be able to maintain themselves, except in such islands as were already in a complete state of occupation; but in the great majority of the islands, he did not doubt that the slaves would be able to maintain themselves and families in health, perhaps in comfort. Would they proceed to put a stop, as far as legislation could go, to the existing cultivation of these islands? Would they remove the whole capital that had been laid out in these colonies? Would they throw away all the machinery which had been employed in the islands, and reduce it to that state in which the whole of the industry of the negro would be directed to the supply of but mere physical wants? As to the question of wages, or in other words, no wages, in nine cases out of ten they would not exist. He did not deny the statement of the hon. Member about the Hottentot settlement. He had instanced the absence of any complaints at the circuits, as a proof of the good conduct of those settlers; but that afforded very slight ground for congratulation; for he (Mr. Stanley) doubted whether any circuit passed within 100 miles of it. From all accounts, however, which had reached him, nothing could be more peaceable and orderly than the conduct of those settlers: but that was not sufficient to prove, that the negroes in the West Indies would act in the same manner. Nor was it sufficient that they should merely be orderly and peaceable; it was necessary that sugar should be raised on those islands; it was necessary that they should continue to contribute to the wealth, and strength, and commercial prosperity, and maritime power, of this great empire. There was another point to which the hon. Gentleman had

also referred; he had stated, that the system of apprenticeship was framed in consequence of a part of the Bill which had now been abandoned. It was framed from a conviction of its necessity, both for the planter and the slave himself. The period of twelve years had been assumed with a view to the payment of the price of the slave by instalments of one-twelfth each; and the principle had remained unaltered. Considering that the mere maintenance of the negro, and the continuance of peace and good order, were not all that they had to look to in framing the Bill—conceiving the proposal, limiting the negro's apprenticeship to the shortest possible period which might be necessary, and then to assign him sufficient wages; and at the same time conceiving the proposition of the hon. Member to be one which might mean anything or nothing,—he did not perceive what good effect could be anticipated from the Motion. What were they to consider as sufficient wages? Was it just enough to keep body and soul together? Would that be considered adequate? During the period of their apprenticeship, the master would be bound to keep the negro, to feed him, even to take care of him in sickness. Would they say that that was not adequate wages? or were they to fix them at the very *maximum* of what any labourer could get from any master, who, in the dearth of all other labour, would be compelled to comply with the most exorbitant demands? That was a state to which he was not prepared to come; it was a state of things which, if once introduced, would bring with it the ruin of these colonies—it would bring ruin on the slaves themselves. The next topic to which he had to advert was the fear which had been raised of an insurrection among the negroes. Now, from the bottom of his heart and soul, he acquitted the hon. Member of any intention of exciting the negro's mind by his speeches; he knew that the hon. Member would shrink with abhorrence from the idea, that anything which he might say or do should lead to the spilling of one drop of human blood. When he proceeded dealing out the hardest terms against a measure leading ultimately to the complete termination of slavery—leading to that which would establish complete equality of civil rights between men in every portion of the King's dominions; if slaves were taught by the expressions used in that House, which ought to go out in words and in truth, "that it is the opinion of persons so deservedly respected, and that it is the opinion and declaration of a great and powerful party in this country, that they can see nothing in this measure but cruelty and injustice; that the slaves are mocked by it; that they are only about to have a heavier yoke imposed upon them, and that the natural consequence is to draw the negro into insurrection;"—if the negroes learnt that such language was used, would it not, he entreated the hon. Member to consider, be exceedingly likely to produce that very insurrection which he feared? Would it not direct the negro mind to that as his remedy? He entreated him to consider the measure with more favour—to exert himself rather to point out the real advantages and substantial benefits which it would be productive of, and to persuade the negroes to justify the confidence which the British people placed in them, and to prove by their industry, their labour, their bettering of their own condition during the interval of their apprenticeship, that they were worthy of the great boon which the justice and humanity of the British people was bestowing upon them at so great a sacrifice.

Mr. *Macaulay* said, he rose with feelings of regret upon the present occasion. Though he had taken no part in the discussion upon this Bill, yet there was no one who had with more patience watched, or with greater anxiety attended to, the provisions of a measure, which he could not but consider to contain a great mixture of good and evil. He should now express his opinions upon this Bill in general, and particularly on those parts in which Amendments had been introduced, and to which the hon. Member (Mr. Fowell Buxton) had referred. He should discharge his duty, he was afraid, very imperfectly, and he would therefore entreat the House to extend to him that indulgence on the present occasion which he had experienced on former occasions when he had addressed it with less harassed feelings, and more confidence than at present. He had every disposition not only to do the amplest justice to his Majesty's Ministers, but to give them the greatest credit—them, with whom he generally acted—for having framed every part of this measure with the purest and most benevolent intentions, even those parts of which he could not approve. To those parts of which he disapproved, he was anxious to state his objection, but, previous to doing that, he most solemnly

disclaimed any unfriendly feeling towards any class of persons whose interests might be concerned in the proposed measure. He hoped that he should be able to prove, that he was not, on the one hand, disposed to sacrifice principle to party, nor on the other, disposed to sacrifice the rights of the planters to popular clamour. Of the three objects which the Bill was intended to effect, the first had his fullest and most unqualified approbation—the abolition of slavery. He believed slavery to be the greatest of political evils; and when he thought of the horrid state of the slave, he sometimes felt ashamed of himself for the enthusiasm he had manifested in removing domestic grievances; such, for example, as the Catholic disabilities. They had seen guilt in many ages and in many countries; but where had they seen guilt in the hideous forms in which it had for so many years been exhibited in the West-India islands? Slavery there had been made to do the work of famine, of pestilence, and of war combined. It had accomplished more than they could accomplish, in putting an end to that disposition to increase and multiply which was manifested by the human race in every other part of the world. There had been fierce and prolonged wars in Europe, but population went on augmenting; and fresh life filled up the chasms caused by such fields as those of Leipzic, Borodino, and Waterloo. Ambition had done all it could to destroy; but it had been assisted by famine and pestilence; but the void which they created was speedily and completely filled up. The law of nature was not counteracted. As soon as the population became thinned by any powerful physical cause, early marriages increased, and the deficiency was soon supplied. In the West-India colonies alone was found a society in which the number of human beings was continually decreasing without the surviving labourers obtaining any advantages. In the West-India Colonies a state of society existed unparalleled in the history of the world. Fully believing in the necessity of demolishing slavery, he nevertheless thought, that his Majesty's Government had taken the right course in the Bill which his right hon. friend had introduced. The only fault which he found with that Bill was, that it had a leaning to mitigate an evil which ought to be demolished altogether. They had made attempts to mitigate slavery on former occasions. They had sent out to the negro a Church Establishment, while they left him to be bought and sold; but that mitigation was useless. The object of this Bill, he thanked God! was not a mitigation of that description; it attacked the foundation of the principle of slavery. Slavery was not a system which could be improved; it must be annihilated. Slavery was in itself the abuse. The principle of slavery, as Montesquieu had observed, was pure unmixed evil. Terror was the only motive that could operate upon the slave. Terror was the only mode by which the proprietor of the slave could hope to guard his own life or to save his wife and daughters from violation. If they abstracted terror from the system, the whole fabric of slavery was at once destroyed. The introduction of liberty was a new principle, not a mitigation of slavery. To mitigate slavery by introducing liberty, would be to take away the props without supplying pillars. When he heard persons say, that it would be madness immediately to put an end to slavery, and at the same time declare that it was frightful to continue its cruelties, it appeared to him as if they were the most inconsistent of men. He could not comprehend the mitigation of slavery. Its abolition would give the slave a motive for preserving the order by which he was to benefit. In this country where there were no slaves, where the lowest labourer was an intelligent being, we could afford to connive at the violence of a mob; we could laugh at Political Unions and speeches; even in cases of actual treason and rebellion we could punish the leaders and pardon their followers; but in such a country as the West Indies, to tell the masters to be merciful and moderate, was to tell them to submit to butchery. How was it possible that while they gave the negroes religious instruction, in order to educate them as men, they could continue to treat them as brutes? Of that part of the Bill, therefore, which abolished slavery, he cordially approved. There was another part of the Bill which he knew was most unpopular—he meant the Compensation Clause—to which, however, he gave his full consent. He regretted that, on this point, he felt it his duty to oppose those with whom he had generally had the happiness to act on this subject; but he was prepared to take his full share of whatever unpopularity might arise from this part of the Bill. He well knew, that there were in this country many excellent persons who detested the principle on which compensation to the planters was founded. It was

not with those persons a question of money. They would be quite ready to give the twenty millions or thirty millions, or more, as charity, but they were strongly opposed to giving it as compensation. For his part, he held that the owners of the slaves had a distinct right to this compensation. He did not mean to say, that they had any right as against the slave; and if he had no alternative but to choose between the positions—that slavery should never be abolished, or that the planter should never be compensated, he should have no hesitation in deciding for the latter; for highly as he valued the rights of property, he could never put them in competition with the right of personal liberty. It had been most justly declared, that the property of man in his labour was the origin of all property, and ought to be held most sacred. Therefore, if there must be robbery at all, he would rather rob the planter of his property than the slave of his freedom. But to that alternative he was not reduced. With the question of compensation a slave had nothing to do. The State had solemnly sanctioned the property of the planter. The public faith had been pledged to its maintenance by proclamation, by treaty, by prescription. Could that House consent to violate it? He had heard that it was maintained that the planter ought to receive no compensation, because there ought to be no indemnity for the abandonment of crime. He protested against such a doctrine, as establishing principles that would be most extensively pernicious. He readily admitted, that no contract tending to crime was binding, and that to condemn men to slavery was criminal. If 100 Acts of Parliament had been passed to establish slavery, and if all the Members of that House had sworn at the Table to maintain slavery, slavery ought nevertheless to be abolished. But that was not the question to be considered. When crime entered into a contract between two parties equally criminal, it could not prevent the execution of the contract as it respected them. If the choice were solely between violating the public faith, or putting an end to slavery, which was a violation of the law of nature, it would be a very different matter; but here there was an alternative; and where there was that alternative, the violation of public faith would be subversive of all public and private morality. He was sorry to detain the House; but the principle was of so much consequence, not only at the present time, but with reference to the future, that he could not refrain from making a few further observations upon it. If they were to violate the public faith pledged to the West-India planter, they would establish a precedent of a most monstrous and injurious character. To illustrate this position, he would take an instance from the commonest life: suppose a Catholic gentleman had ordered an image for the decoration of his chapel to be sculptured by a first-rate artist, and that when, after immense skill and labour, the image was finished, he should say to the artist, "Take it back; since I ordered it my mind has been enlightened; I now believe that the Protestant is the true religion. I therefore consider the contract between you and me as sinful, and I cannot consent to perform my part of it. Would not the argument that would justly be used be: "If you are enlightened, so much the better; but you must pay for the contract into which you entered when you were in a state of darkness?" Or suppose a Mahometan, having three or four wives in his Harem, were to embrace Christianity, would he be entitled to break his contract with them, turn them all out into the world, and leave them to starve? Or, in the case of a lottery, which, as all gaming was vicious, ought never to be resorted to by a Government, would it not be the height of enormity, if, after all the tickets had been sold, Government were to declare that it had become sensible of its error, and were to leave the purchasers to digest their loss? Nay, if once such a doctrine as that which he was contravening were established, almost the whole of the public debt of this country ought to be wiped away; for he held that there was no national crime greater than to engage in wanton and unjustifiable wars; and the greater part of that debt was incurred in the prosecution of such wars. For instance, during the American war we had borrowed 100 millions. The prosecution of that war was as wicked an act as the maintenance of slavery. What difference was there between keeping one set of men in a state of severe and unmerited bondage, and carrying fire and sword among another set of men who merely asserted their rights? If it was unjust to compel the slave to labour throughout life for his master, was it not unjust to spend money in sending the sabre of the Hessian, or the tomahawk of the Indian, into the fields of a people who were only struggling for

liberty? If, therefore, the principle against which he was contending were established, those who admitted it would be at a lôss to make out how the claims of almost any public creditor could be considered as valid. He repeated, therefore, that he was decidedly favourable to two of the principles of the Bill; the Abolition of Slavery, and the Compensation to the Planter. But as to the third principle of this Bill, which related to the transition state of the negro, before the total cessation of his slavery, he confessed that he entertained great, and in some respects, he feared, insurmountable doubts. There could be no question that it was the solemn duty of Parliament to do all they could to protect the planter; but he had great doubts if the provision in question would have that effect. If it could be proved, that what they were about to do was calculated to improve the morality of the slave, and thereby enable him, when he became wholly free, better to discharge the duties of a citizen, he should assent to it. He should not refuse to assent to it because it was severe, provided it could be shown that that severity was likely to be efficacious. What he objected to was this, that the restraints laid on the negro by the Bill were not so laid with the sole view of improving his moral character. His right hon. friend had, with perfect candour, admitted that. The ninth clause of the Bill contained a provision that it should be lawful for the slave at any time to purchase his freedom on the payment of a value legally fixed. Now that clause admitted a principle in which he could not acquiesce; namely, that the planters had a right to compensation from their slaves. The planters and the State had been accomplices in a crime, and it would be exceedingly hard and unjust to throw the burthen of retribution on one party; but it would be still more hard and unjust to lay any portion of it on the third and injured party. By this clause a negro who was fit for all the duties of civil life, might still be kept in slavery. Why was he to give this money to his master? If the clause had provided, that when the slave had laid up a certain sum in the Savings' Bank he should become free, that would have been a fair proposition; but when they compelled him to pay it to the master, they compelled him to pay the price of a right—a principle—the justice of which he (Mr. Macaulay) could never admit. A man who had laid up 10*l.* was not rendered more or less fit for freedom by giving that money to his master, or by keeping it in his own chest. He denied the right of the State to demand any sacrifice whatever from the injured party. He would now say a few words with respect to the restraints which were imposed on slaves who were artizans, artificers, coopers, &c., or who, in the words of his right hon. friend, were non-predial. Even many of those who denied that the slaves engaged in agriculture were fit for freedom, admitted that the non-predial slaves were perfectly fit for freedom; and he was convinced that they might be instantly set free from all restraints, without any danger whatever to society. If so, it was impossible to justify the infliction upon them of a seven years' apprenticeship. With respect to the other class of slaves, who, it might be said, stood more in need of a transition state, he was apprehensive that the twelve years' apprenticeship would be found a bad and inefficient mode of training them for freedom. There had been no practical experience on this matter. Indeed, they might as well talk of practical experience of a nation of Amazons. There had been no example of such apprenticeships. He must say, however, that he thought the argument on the subject of his hon. friend, the member for Weymouth, very convincing; and that he did not think that his right hon. friend had met that argument in so direct a manner as was usual with him. Agricultural labour in the West-Indies was a most painful drudgery. The labourer, therefore, ought to have a strong motive for exertion. He was at a loss, however, to understand what that motive was to be. Even in this country, agricultural apprentices were not taken without a premium, and he understood that the great body of apprentices did not, for a considerable time earn their own living. But what was to be the motive of the West-India apprentice to exert himself?—The Magistrate. It was he who was to superintend all the operations of society in the colonies. Every day in the week, and every hour in the day, whenever the master became harsh, or the slave became indolent, there was to be no recourse but to the Magistrate. It must be recollected, that in the colonies the negro and the master would always have opposite interests, and that those interests could not be reconciled by law. In this country it was quite different. Here a master had the choice of labourers, and a labourer the choice of masters; but in slavery it had always been found necessary to give despotic power to the master. By this Bill it was

left to the Magistrate to keep the peace between the master and the slave. Every time that the slave took twenty minutes, to do that which the master thought he might have done in fifteen, recourse must be had to the Magistrate. Society day and night would be in a constant state of litigation, and all differences and difficulties were to be met by judicial interference. He did not entertain the apprehensions expressed by his hon. friend, the member for Weymouth, that such a state of things would lead to gross cruelty. It would, in his opinion, be merely a state of dead slavery, a state destitute of any vital principle. He did not see reason to apprehend any cruelty; for what motive could the stipendiary Magistrate have for hostility towards the slaves? The contrary would, he thought, be the case. The Magistrates would be accountable to the Colonial Office; the Colonial Office to the House of Commons, in which every whipping would, no doubt, be told. The object of the Magistrate, therefore, would be to be as lenient as possible. His apprehension was, that the result of continuing this state of society for twelve years would be, that the whole negro population would become inactive, would sink into weak and dawdling inefficiency, and would be much less fit for liberty at the end of the period than at its commencement. His hope was, that the system would die a natural death; that a few months experience would establish its utter inefficiency, so as to induce the planters to abandon it, and to substitute a state of freedom. In his opinion, however, it would be much better, that that should be done by parliamentary enactment, rather than that it should be left to the Colonial Authorities. He had voted for the second reading of the Bill, and he should vote for the third reading of it; but while it was in the Committee, he would join with other hon. Members in doing all that was possible to amend those points of the Bill to which he objected. He was aware how freely he had stated his opinions on this important question; but he was sure that the House would do justice to his motives, which, amidst conflicting feelings and opinions, prompted him honestly to endeavour to perform his duty.

Lord *Sandon* said, that unless the House were disposed to inflict artificial sterility on the colonies, or unless it could devise some stronger stimulus of labour, they must adopt the combined system of coercion and stimulus which the right hon. Gentleman's Bill presented. He was convinced that the stimulus in the Bill would act powerfully, and that the hope of liberation at an early period would induce the negro to exert himself for that purpose. But even if it were to be found as inefficient as the hon. member for Leeds apprehended it would be, there could be no reason to doubt that the planter would have recourse to the adoption of a system of wages. He knew it was the intention of a large proportion of the planters to do this, and he was convinced, that it would be much better to leave that matter to be adjusted by the Legislature of each colony, rather than to attempt to adjust it here. It was also of considerable importance to remember that this Bill was the result of an understanding, if not of a solemn compact, which had been sent out to the colonies for their adoption. It would be a great evil, if the slightest suspicion were induced of the good faith of Parliament, or of its disposition to perform its engagements. When so great a change was proposed in a social system, the feeling of the parties should be consulted, at the same time that it was made their interest to carry the object in view into effect. On the question of emancipation, he would state to the House an opinion in favour of compensation—not of planters themselves, but of a publication which the planters considered as hostile to their interests. He meant *The Christian Record*, printed in Jamaica. The noble Lord concluded by reading a passage which was in favour of compensation.

Lord *Howick* thought, that his right hon. friend (Mr. Stanley) had not met the objections of his hon. friend (Mr. Fowell Buxton) against the apprenticeship portion of the present plan. That plan was neither compulsion nor freedom, but a mixture of both, which would be totally inefficient in the colonies. There was a feeling in the negro mind that Ministers proposed already by this apprenticeship scheme merely to perpetuate the evils of slavery. The taunts of his right hon. friend against the hon. member for Weymouth—of his having by his "blind, obstinate, and imprudent" conduct encouraged, and actually occasioned insurrection in the colonies—came with a particularly ill grace from one against whom so many similar taunts had been urged by the opponents of the Catholic Bill—that his "imprudent" prophecies of the dangers of delaying that measure tended to engender the ills they predicted. If his right hon. friend would permit the negro to take his

labour to any market he pleased—that is, to take advantage of the highest wages given—he would consent to the apprenticeship system being adopted, but not till then.

Lord *Althorp* said, that the question really before the House was whether it was right and fitting that an adult negro born in slavery, and surrounded by the circumstances which attended that condition in the colonies, should be all at once admitted to a state of perfect freedom; and whether, if that question were answered in the negative, the state of apprenticeship for a definite period, within which the slave might purchase his freedom, was not a state of probation advantageous to the negro himself, and not injurious to his master? He maintained the negative of the former, and the affirmative of the latter proposition. His hon. friend (Mr. Macaulay) asserted, that they should consider the question solely in reference to the benefit of the negro (regard being had to the planter's just claims to compensation); but surely it was not impossible to consider at the same time whether the preparation for a state of unrestricted freedom might not also be made advantageous to the master. And this double benefit the apprenticeship scheme went to effect. The circumstance to which the hon. Member so much objected—namely, the necessity of the negro's accumulating 10*l.* to be paid to the master as the price of his freedom, would have a very salutary effect in inducing habits of industry, economy, prudence, and dependence on the fruits of his own labour, while it would evidently be also advantageous to the master. The hon. member for Weymouth was wrong in stating that this apprenticeship provision was wanting in the two great motives to labour—wages and compulsion—that is the fear of punishment, and therefore would fail. He differed from the hon. Member, and maintained that it embraced both classes of motives, though it was true the punishment was divested of its present severity, and the wages would not be equal to those of freedom. The wages would, however, be sufficient to teach the negro the advantages of industry, by making freedom the reward of his labour; and the punishment would be sufficient to prevent obstinate idleness. It had been said, that the result of the apprenticeship, after all, would be that of confirming the negro in habits of incorrigible idleness, and, therefore, unfitting him for a state of freedom. But surely if wages would insure industry, as the hon. member for Weymouth, and his noble friend (Lord Howick) alleged, the scheme which provided wages could not fail; besides there was nothing to prevent the master from giving higher wages in proportion to the industry of the apprentice. His noble friend said, that the apprenticeship would be neither more nor less than a prolonging the wrongful state of slavery. He thought quite otherwise. It was his all but conviction that the result of the present Bill would be, that slavery would die out in the colonies long before the period fixed by it. And it was his conviction that the transition state of apprenticeship was necessary to prevent the negro from relapsing into all but hopeless barbarism.

Mr. *O'Connell* said, he would not trouble the House at any length, but the speech of the noble Lord (Lord Althorp) was so extraordinary, and so far from embracing that principle of Reform which it professed, that he (Mr. O'Connell) should feel it his duty to touch upon some of the arguments (if they could be so called) of the noble Lord. The right hon. Gentleman (Mr. Stanley) who introduced the measure into that House, did so with all the tact, ingenuity, and eloquence, which he was famed for. On that occasion the right hon. Gentleman declared that slavery should be abolished, but at the same time he perpetuated it under the designation of an apprenticeship. On that occasion he made a speech for the slave, and to-night the same right hon. Gentleman made one for the planter. The people of this country, however, were not expected to pay for things twice over. It was proposed by this Bill to pay the planter 20,000,000*l.* sterling. Was it not an act of great injustice, therefore, to give the labour of the poor negro beside, thus paying twice over? But he (Mr. O'Connell) should be glad to know from whom the said sum of 20,000,000*l.* was to come? Certainly not from the planters, for they were to receive it. Was England to pay it, if so from what source? The House had heard of the humanity of this measure, which compelled the poor defenceless negro to become an apprentice, and give his labour for the remainder of his life, thus perpetuating that slavery which this Bill, on being first introduced, professed to abolish. Were the people to be called upon to perpetuate that most repulsive and demoralizing crime, at an expense of 20,000,000*l.*? Had the planters ever tried the effect of free labour? Was there any proof that such a course was not likely to be attended with the best results?

He would suppose the planter had a right to charge us with 20,000,000*l.* as compensation. Would that force the slave to labour more freely? Most certainly not; and yet the House cheered the right hon. Member when he touched upon that topic. The poor negro was to be called upon to give his twelve years of labour, which added to his former sufferings, was by no means an inducement to free labour. He would ask of the hon. Members where was the vaunting boast of the abolition of slavery in the colonies, while it was proposed to send out Magistrates who were to supersede the driver as at present? He supposed he should be justified in calling those flogging magistrates, who to the number of 100 were to go to the colonies. Yet they would call that freedom. They were to make the poor negroes, to be sure, apprentices, giving a life interest of twelve years' labour for the benefit of the planter, and during that period they were to be at the tender mercy of the flogging magistrate. In this country, nine years was the average of a life interest, but in a tropical climate, it was impossible it could be taken at so long a period. Therefore, the humanity of this measure went to compel a man for the period of his life (for it could be considered in no other light) to work for the planter, thus paying him not only 20,000,000*l.* in money, but also in labour. So that the planter required payment in two ways. Was that just, was that humane, which sought to compel the poor but industrious negro to drag on his miserable twelve years of existence, if he lived so long, toiling for six days in every week, for that period, with only one consolation, that of being permitted to rest from labour on a Sunday, when he might attend some house of worship? He should be sorry to attack the honesty of the intentions of those who brought forward this Bill, which, while it went to vote away 20,000,000*l.* of money from the pockets of the people of this country, sought to perpetuate the detestable and odious crime of negro slavery. He was anxious to control his feelings, and would do so. But to those who brought forward this measure, and were ready to give it their support, he would say, if they did not, like *Shylock*, demand the pound of human flesh, they demanded the twelve years additional slavery from the poor negro under the pretence of friendship. Was that what the negro expected? Was that what the country so long sought for and expected, when the question of negro slavery was to be brought before the House? The country he (Mr. O'Connell) could assure the House sought for the total and unconditional abolition of slavery, and with less the country would not be satisfied.

Mr. *Bernal* expressed his apprehensions that the plan of the Government would not be found to answer the expectations of those who proposed it. He feared, too, that, in the mean time, much restlessness would be excited among the negro population of the colonies. This would be the case in Jamaica, when the Resolutions were communicated to the negroes in that Island. Some might, perhaps, be content to remain in the state in which they were now, but others, he feared, would be in a hurry to avail themselves of the real or supposed advantages of this measure. It would be a difficult thing to restrain men under such a state of circumstances. The irritation and excitement which now existed among them would increase, and that would not be likely to induce men in authority there to look with favour on this measure. The part of the Bill which went to displace the present Magistrates, and to put in their stead stipendiary Magistrates, would produce, among that class of persons, feelings by no means favourable to the Bill, nor likely to promote the public peace. He wished that the Government had confined the measure to declaring the principle of compensation, and that they had then left the rest to the local Legislatures. It would have been better, in his opinion, to leave it to the experience of the Legislatures in the different Islands to work out the principle of the measure. No man, however well skilled in legislation, could, at the distance of 4,000 miles, chalk out with certainty and precision the means by which such a mighty change could be best carried into effect. All the Islands differed from each other, and it required a particular knowledge of each to adapt the measure to its peculiar circumstances. As to the stipendiary Magistrates, for instance, he was convinced that not fifty, but 200 would be required to carry the plan into effect in Jamaica. Some of the parishes were there sixteen miles distant from each other; and it would be a great inconvenience to go from one Magistrate to another when the presence of more than one was required on any particular occasion. This was one of the difficulties, too many of which would be found in the Bill. He had done as much as he could to forward the views of the Government—he had sent out the Resolu-

tions of that House, and had urged them to receive those Resolutions, as it became them to receive the Resolutions of that House of Parliament, and not to allow any feeling of excitement to lead them away. He had never been an advocate for slavery, and it was too late now to contend that it could last ten years longer, and he had said so in the communications he had sent out to Jamaica. He believed others had done the same. It was possible, however, that, in the intervening period, the negro might betray great restlessness in his situation. Letters had been received in town from the colony of St. Vincent, stating that a degree of restlessness had been already exhibited there. They had had some intimation there of what was passing here, and the negroes already began to speculate on having white wives, and keeping their gigs and horses. In Barbadoes the same degree of restlessness had been exhibited, but from another cause. The negroes there were afraid that their master would desert them. In that feeling, many might prefer to remain under the old regime, in that and other colonies; and he did not wonder at it, for there had not been a case of cruelty in Jamaica where the party committing it had not been held in execration. He had even known cases where a strong suspicion that a man had been guilty of cruelty, had occasioned him to be sent to Coventry; and in some instances a charge of that kind had excluded him from society. To return to the difficulties attending the execution of this Bill. Suppose the negroes refused to work when in their state of apprenticeship, how were they to be compelled to do so? Not by imprisonment, surely, for that would put an end to the cultivation of the estate. The Code Rural at Hayti, the existence of which was at first thought impossible in this country, was more severe than the regulations by which the slaves were now governed; and he found that they must have a code of a most severe kind. That was a matter worthy of the most serious attention; for merely to say, that the work of emancipation was done on the passing of that Bill, as if it were a Highway Bill or a Turnpike Trust, was to him perfectly absurd. If the matter had been left to the Colonial Legislatures to carry into effect, their knowledge and their self-interest would have gone together in the work. His negroes, he believed, would have but little advantage in the change. They were now happy and comfortable—nothing proper was refused them—and in sickness they were taken care of. If their number had at any time decreased, he could assure the House that the produce of the estate on which that happened had decreased in the same proportion. When the hon. member for Weymouth alluded, as he frequently had done, to the painful subject of the decrease of the negro population, he was always anxious to tell that hon. Member that such decrease most materially injured the master. He could only say, with reference to himself, that he had always endeavoured to the utmost of his power to prevent such an event upon his estates. In Jamaica there were many black slaves who enjoyed themselves, and had the means of procuring not only the necessaries, but the luxuries of life. The vegetable markets, the poultry market, and the shipping on the coast were uniformly supplied by the negroes. He knew the argument that might be raised on this fact. It would be said, that the negroes would require no coercion, but would labour of their own accord. But the fact was, that it required very little labour to give them the advantages he had mentioned. With the labour of six hours a-week, a man might support himself and his family. But then it would be said, that the negro did not enjoy his liberty, and that, without these, luxuries were nothing. What were the ideas of the negro with regard to liberty? They were these: the slightest possible degree of labour. He believed that was the idea of men all over the world. No man would work but from the compulsion of necessity—the fear of starvation. The Irish agricultural labourer worked only from that motive, and the peasant who in England laboured for 10*s.* a-week to support his wife and family did the same. A large body of what he might call the peasantry of the colonies now possessed the luxuries of life. Let the House take care that they did not hazard the well-being, the comforts, and the essential happiness, of that body of persons. He was ready to confess that the moral and religious education of the negroes had not been sufficiently attended to—attempts had lately been made to correct that evil; but he observed no provision in this Bill on that subject. Nor did he see any as to the creation of a police force. Yet such a force would be necessary. He repeated, that the mode the most likely to carry into effect with success the provisions of this Bill, would have been to declare the principles of abolition of slavery and of compensation, and to leave it to the local Legislatures to carry those principles

into effect. He feared that their not having done this would be the occasion of much difficulty and inconvenience.

Mr. *Fowell Buxton* trusted to the indulgence of the House for permission to say a very few words in reply to, perhaps, the severest charge that could be brought against any individual—he alluded to that which fell from his right hon. friend. It was a charge very galling; because if there was any one thing which he would not do, it was stirring up to insurrection the negroes of the colonies. The colonists had attributed to him a desire of that description; but God forbid that he should entertain it, or act with any one who did. He felt it his duty, however, to advert to that charge. And let him ask the first man who had ever talked in that House of insurrection in the colonies, was the idea a new one? Had it been breathed from his lips for the first time? The House must recollect that for the last twelve months it had been spoken of, if not as a matter of course, at least as a thing of very probable occurrence. It had been talked of by the colonists themselves; who in that period, also, had gravely spoken of transferring their allegiance from the Crown of Great Britain to the Republic of the United States.

Mr. Secretary *Stanley* said, that he had not made any charge against the hon. Member, nor attributed to him any desire of promoting insurrection. He believed the hon. Member incapable of a wish to do so. What he said, was, that the hon. Member's observations were not likely to produce a happy effect on the minds of the negroes, and that he the more regretted this, as, whatever fell from the hon. Member was attended with so much weight on account of his high character.

Mr. *Fowell Buxton* would not utter another word upon a point upon which he certainly felt most deeply, but which the right hon. Gentleman had satisfactorily explained. The right hon. Gentleman had done him the honour to say, that the language that he held towards the negroes might have some influence upon them. If he thought that such were the case, if, indeed, the faintest echo of his voice could ever reach them—most earnestly, most emphatically, would he implore them, by every motive of duty, gratitude, and self-interest, to do their part towards the peaceful termination of their bondage. He would say to them, "The time of your deliverance is at hand;—let that period be sacred—let it be defiled by no outrage—let it be stained by no blood. Let not the hair of the head of a single planter be touched. Make any sacrifice — bear any indignity—submit to any privation, rather than raise your hand against any white man;—continue to wait and to work patiently — trust implicitly to that great nation and paternal Government who are labouring for your release. Preserve peace and order to the utmost of your power—obey the laws, both before and at the time of your liberation;—and, when that period shall arrive, fulfil the expectations of your friends in England, and the promises they have made in your name, by the most orderly, diligent, and dutiful conduct." If they should do all that—if they should assist in the anxious task of a peaceful emancipation—if they should resist every temptation to impatience, disturbance, or idleness—if they should realize the predictions of their friends, and confute the forebodings of those who had been opposed to their emancipation—if they should show by their conduct, that they were not the brutes which they had been supposed to be, but human beings, capable of being influenced by the same motives as the rest of mankind—then they would have fulfilled the most ardent wishes of their friends; they would have made a full return for the efforts in their behalf; they would have secured their own and their children's welfare; and they would be the greatest benefactors to the myriads of their race, who remained in bondage under other nations. The fate of 5,000,000 of slaves would mainly depend on the issue of this great experiment. That consideration added double force to the earnestness with which he would plead with the slaves, the planters, England, and her Government, each and all, to lay aside their feelings of excitement, to bury former dissensions in oblivion, and to bend all their strength to effect this mighty Reformation in peace, in safety, and with benefit to the slave, to the master, and to the nation. He thought there was a misapprehension in the minds of some hon. Gentlemen, that his Motion was against apprenticeship altogether. It was worded for the purpose of showing that apprenticeship was not necessary, and ought not to constitute any part of the compensation to be given to the planter.

The House divided on the original Motion: Ayes 158; Noes 151—Majority 7.

The House went into Committee, *pro formâ*. Resumed.—Committee to sit again.

2 R

List of the NOES.

ENGLAND.

Aglionby, H. A.
Attwood, T.
Barnard, E. G.
Barnett, C. J.
Bewes, T.
Biddulph, R. M.
Biddulph, R.
Blake, Sir F.
Brigstock, W. P.
Briggs, R.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brougham, J.
Buckingham, J. S.
Byng, Sir J.
Calley, T.
Cayley, Sir G.
Cayley, E. S.
Chandos, Marquess of
Chichester, J. P. B.
Collier, J.
Cookes, T. H.
Cornish, J.
Darlington, Earl of
Dashwood, G. H.
Dawson, E.
Dundas, Captain
Dykes, F. L. B.
Edwards, Colonel
Ellis, W.
Etwall, M.
Evans, W.
Evans, Colonel
Ewart, W.
Faithfull, G.
Fancourt, Major
Fenton, Captain
Fenton, J.
Feilden, W.
Fielden, J.
Fremantle, Sir T.
Gaskell, D.
Gisborne, T.
Goring, H. D.
Grey, Sir G.
Gully, J.
Halcombe, J.
Hall, B.
Halse, J.
Handley, B.
Handley, H.
Handley, W. F.
Hardy, J.
Harland, W. C.
Hawkins, M. I.
Hodges, T. L.
Howard, Hon. F. G.
Hudson, T.
Hutt, W.
Ingham, R.
Ingilby, Sir W.
Jerningham, Hon. H.
Knatchbull, Sir E.
Langdale, Hon. C.
Langton, Colonel G.
Leech, J.
Lester, B. L.
Lister, E. C.
Locke, W.
Lushington, Dr.
Macaulay, T. B.
Madocks, J.
Marjoribanks, S.
Marsland, T.
Marshall, J.
Mills, J.
Morpeth, Viscount
Ord, W. H.
Palmer, General
Parrott, J.
Pease, J.
Penleaze, J. S.
Phillips, Sir R.
Philips, M.
Plumptre, J. P.
Poulter, J.
Martin, J.
Methuen, P.
Richards, J.
Rickford, W.
Rider, T.
Rippon, C.
Romilly, J.
Rooper, J. B.
Russell, C.
Russell, W. C.
Scholefield, J.
Scrope, P.
Seale, Colonel
Shawe, R. N.
Shepherd, T.
Staunton, Sir G. T.
Staveley, J. K.
Strickland, G.
Tayleur, W.
Tennyson, Rt. Hon. C.
Thicknesse, R.
Thompson, Alderman
Throckmorton, R.
Todd, R.
Tooke, W.
Torrens, Colonel
Townley, R. G.
Townshend, Lord C.
Tracy, C. H.
Trelawney, W. L. S.
Tullamore, Lord
Turner, W.
Tynte, K.
Tyrell, C.
Verney, Sir H.
Vivian, J. H.
Walsh, Sir J.
Wason, R.
Watkins, J. L.
Wedgwood, J.
Wilks, J.
Williams, Colonel
Wilmot, Sir J. E.
Winnington, Sir T.
Winnington, Captain
Yelverton, W. H.

SCOTLAND.

Gillon, W. D.
Johnston, A.
Sinclair, G.
Stewart, R.

IRELAND.

Baldwin, Dr.
Barry, G. S.
Blake, M.
Jephson, C. D. O.
Martin, J.
Meynell, Captain
Mullins, F. W.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Dwyer, A. C.
Ruthven, E. S.
Ruthven, E.
Sullivan, R.

TELLERS.

Buxton, F.
Howick, Viscount

Paired off

Berkeley, C.
Bulwer, H. L.
Fleming, Admiral
Fryer, R.
Hawes, B.
Roebuck, J. A.

DRAMATIC PERFORMANCES.] Mr. Edward Lytton Bulwer moved the third reading of the Dramatic Performances' Bill.

Mr. *Rotch* opposed the Motion, as he considered the subject one that was unworthy the attention of the Legislature, and which was more likely to entail evil than to do good. He also opposed it, because he did not wish to see the power that ought to belong to the Royal Prerogative transferred to the Lord Chamberlain. The Bill, if it passed, would do great injury to all parties that might be subjected to the will of the Lord Chamberlain. A theatre only brought together a set of unfortunate outcasts, who had no other means of existence, and yet it was for such a class that they were called upon to legislate. It was his duty to take the sense of the House on the question. He would therefore move as an Amendment that the Bill be read that day six months.

The House divided on the Motion: Ayes 7; Noes 38—Majority 31.

The Bill read a third time, and passed.

HOUSE OF LORDS,

Thursday, July 25, 1831.

MINUTES.] Bill. Read a third time:—Court of Bankruptcy.

Petitions presented. By the Duke of GLOUCESTER, from the University of Cambridge, against the Jewish Disabilities Bill.—By the Earl of HADDINGTON, from a Society in Scotland, for the Extension of the Elective Franchise in the Burgh Reform Bill to all those who pay 5*l.* yearly Rent.

CHURCH TEMPORALITIES (IRELAND).] The House resolved itself into a Committee, on the Church Temporalities (Ireland) Bill.

On reading the 117th Clause,

Lord Plunkett proposed several verbal Amendments.

Lord *Wynford* said, that he also had an Amendment, which would begin with the very first line. He was aware that, not in Ireland, but in England, there were many Churches continually vacant, and he was anxious to get rid of sinecures, wherever they were found. He, therefore, should have no objection to the proceeds of parishes, where there was no service performed, being vested in the persons who were to have the disposal of such property under the Bill. But his objection to the clause was, the Commissioners would exercise a judgment in matters purely ecclesiastical, in proposing the suspension of worship in any parish. The Amendment which he should propose, would go to give that power to the Ordinary. It was purely an ecclesiastical jurisdiction, and ought, undoubtedly, to be left in the hands of the Bishop. What he wished was, that, instead of the discretion being vested in the Commissioners, it should be vested in the Bishop. He objected to the unprecedented extent of power given to the Commissioners; who could not, in most points, exercise their duties without casting a slur upon the Hierarchy. What he would propose was, that wherever a church in any place should be proved to have been a complete sinecure for several years, such church should be declared vacant, and that the declaration of its being a sinecure should be left to the discretion of the Archbishop or Bishop of the Province or See, subject to an appeal to the Lord lieutenant in Council.

The Earl of *Ripon* said, the objection of the noble and learned Lord to this clause, was not so much to the object which it was framed to carry into effect, as to the instruments by which it was to operate. The noble and learned Lord was willing that some competent authority should act as the provisions of the clause prescribed; but he objected to the authority pointed out by the clause. The noble and learned Lord wished that, instead of the decision, in the cases indicated by the clause, being left to the Commissioners, it should be left to the Ordinary or the Bishop, with a power of appeal on the part of the Commissioners, or of somebody else, to the Lord-lieutenant and Privy Council. Now, the same objection which the noble and learned Lord had made to the authority being given to the Commissioners, applied with even greater strength to the appeal to the Lord-lieutenant and the Privy Council, and the decision consequent thereupon. The noble and learned Lord objected to a decision by any body not ecclesiastical; therefore, so far as principle went, a decision by the Privy-Council was just as objectionable as that recognized by the original proposition, which declared, that the right of decision should be vested in the Commissioners. The noble and learned Lord had overlooked the nature and composition of that Commission. It would be chiefly composed of dignitaries of the Church, and he could not conceive any body of persons more competent to perform the duties which would devolve on them than those who were pointed out by the clause. They could not be actuated by any feeling against the interests of the Church; they could not be influenced by any prejudice against the Protestant establishment, because they were all intimately connected with it. He did not suppose that the Commissioners were likely to be called on for many decisions. The clause related to all livings where divine service had not been performed for three years before the 1st of February, 1833; and it appeared from the returns, that out of 1,453 livings there were only sixty-six to which this clause could apply.

Lord *Wynford* said, what he objected to was, that the persons to whom this discretion was given were not all clergymen. He thought that the Church of Ireland was sufficiently degraded, by the general provisions of the Bill, and he only wished by his amendment to prevent that additional degradation which must follow from the adoption of his clause.

The Earl of *Limerick* opposed the clause, and expressed his hostility to the entire Bill; which, in his conscience, he believed was calculated to effect the subversion of the Protestant religion in Ireland. They talked of divine service according to the Protestant faith not having been performed in certain parishes for three years. But why was that? He had seen the Protestants driven from their residences. He had in the county of Wexford, in a circuit of twenty miles, met with but one Protestant; but the reason was, that they had been obliged to depart. It seemed that, in sixty-six parishes, divine service had not been performed, according to the

Protestant service, for the last three years; but, if they looked at the return, they would find that this occurred in the most wild and uncivilized part of the country. The fact was, that the clergy were, from fear, from reasonable apprehension, driven from their residences. A noble Lord near him—and no man was more likely than was that noble Lord to be acquainted with the fact—said, that such had been the case. He reiterated the noble Lord's sentiment, and declared that he was confident of its perfect truth. Let this Bill be passed, and he would undertake to say, that no Protestant clergyman would dare hereafter to call for his tithes.

Lord *Plunkett* did not think the Amendment at all necessary. In cases where intimidation had been the cause of a clergyman's absence, this would be taken into consideration by the Commissioners. This part of the measure was retrospective, inasmuch as the period of three years was made to terminate on the 1st of February, 1833. In those livings where divine service had not been performed for three years up to that period, such living would be declared vacant after the death of the present incumbent; but while he lived, the incumbent would have full liberty to return to his living. It was said, that the measure was calculated to prevent the propagation of the Protestant religion; but, on the contrary, its object was to diffuse it. It provided, that where circumstances had prevented the clergyman from attending his duties, the Commissioners should have the power of remedying it. The noble Lord objected to the constitution of the Commission, as being unecclesiastical. The meaning of the noble Lord's Amendment appeared to be—for though he was under some difficulty in making out the meaning, he knew that the noble Lord always had some meaning in what he said—that the Bishops should have the discretionary power of declaring a place vacant. [Lord *Wynford:* What he wished was, that the recommendation should proceed from the ordinary.] That was precisely what he had said; or, at least, the distinction was so fine, so metaphysical—if it might be so called—that, though he had applied his most comprehensive faculties, he could see no difference. The fact was, that the Bishops already had this power. As the law now stood, it was competent in the ordinary, whenever a parish had been neglected for three years, to enforce the performance of divine service there, and to punish the offender by spiritual censure. The object of the clause was to provide that this should be done where the ordinary had failed, from any cause, to interfere. It was not, however, intended to deprive the Bishops of any of this discretionary power; on the contrary, the Commissioners were prevented from interfering. If any Bishop directed the attention of the Commissioners to any satisfactory reasons why a parish should not be declared vacant, the Commissioners could have no object in refusing attention to such recommendation. Then, as to saying the Commission was not ecclesiastical, surely the noble Earl had forgotten that the majority were ecclesiastics, and all might be so; for, out of the nine Commissioners, there were two Archbishops, and four Bishops, and one of the other three would be appointed by the Primate.

The Marquess of *Salisbury* opposed the clause, and contended that, if the Commissioners had the power to discontinue the appointment of a Protestant incumbent in every parish in which there had not been service for three years, it would amount to a Bill of Pains and Penalties against the whole of the Irish clergy. He hoped that the noble Earl would withdraw the clause, or, at all events, allow it to be amended, so as to suit the views of all parties.

The Bishop of *Exeter* said, that there would be no use in having Bishops established at all in Ireland, if matters of this kind were not intrusted to their care. The Bishops were, besides, the best calculated for the office, as the local circumstances of every parish would be better known to them, from annually becoming acquainted with the different parishes in their dioceses, in the course of their visitations. Having always felt a strong objection to the principles on which the Bill was founded—a feeling which he still had—he, nevertheless, had come down to the House with the wish to improve the Bill, and he had no intention of giving it any unnecessary or vexatious opposition; and he opposed this clause only because he thought it most important to the Irish Church that it should not be adopted. The main point was, who was to decide whether it was or was not fitting, that, in a parish where there had not been service for three years, a clerk should not

be appointed, or, that the appointment of the clerk should be suspended for an indefinite period? He thought this strictly a part of episcopal duty, and he did not see why it should be placed in any other hands than those of the Bishops. In Ireland there was the strongest feeling among the Protestant inhabitants against this clause, and he believed, that nothing could soothe that feeling more than the voluntary abandonment of it by the Ministers. He objected also to this clause, because it gave a legislative sanction to pluralities. He found that by it, it was provided, that the clergyman of the neighbouring parish should do duty for the parish to which an incumbent was not appointed. Thus they were creating pluralities by an Act of Parliament, which professed to be a Bill of Reform. Did any one seriously suppose, if an incumbent was so grossly neglectful of his duty as not to perform divine service for three years, that the Bishop would be so forgetful of his duty as not to visit the incumbent, and lay him under spiritual censure? He believed that the omission of divine service had not occurred in one single instance owing to the misconduct of the incumbent. It had only occurred in parishes where there were no churches; and he would ask, if parishes should be visited with such a penalty as was inflicted on them by this clause, merely because they had not had a church? But his great objection to this clause was, that by it the Commissioners were to choose whether or not there should be an incumbent chosen hereafter. If this Bill had been in operation at the period of the Union, what would have been the effect? Since the Union, the parishes had been increased, in which divine service was performed by a number equal to all the parishes in which divine service was performed previous to that period. It had been contended, that this clause was drawn in the spirit of the Act of Union. But, did their Lordships believe, if this Bill had passed at that time, that Parliament would have granted such funds as would have enabled them to build seven hundred new churches, which was the number built since that period? He had in his hand a Return of the number of churches built in the diocese of Cork and Ross, from which he found, that the number of new churches built in situations where there were none before, and where there had formerly been no divine service, was no fewer than sixteen; and that the number of communicants, on an average, was thirty-three; besides which, there were seventeen parishes in which the service was performed in barns and other places, in which there were thirty-two communicants on an average. From this he drew the inference, that every encouragement ought to be given to the extension of the Protestant divine service, and every care taken, that that exertion of the Protestant clergy should not be discouraged. He had been told that, on a late occasion, the Protestant inhabitants of the parish of Ballinamona had resolved to build a moderate plain place of worship, for the accommodation of 350 persons. The funds were to be raised by subscription, and several neighbouring noblemen and gentlemen had subscribed to it. Among others to whom application was made, was a great agitator in the neighbourhood; and his answer was, that he did not grudge the money, but that he objected to the building of a Protestant church at all. This showed that intimidation was used to put down the Protestant religion in that part of the country. The right reverend Prelate concluded, by saying he would oppose the clause.

Viscount *Melbourne* was glad to find that the noble and learned Lord opposite approved of the principle of the clause. [Lord *Wynford* had not expressed any approbation of the principle of the clause.] He had understood the noble and learned Lord to admit the principle of the clause, which was to do away with such incumbences as were complete sinecures. He did not see how the clause could be taken as an insult upon the Bishops. He thought the discussion proved, that the duty would be much better in the Board of Commissioners than if it were placed in the hands of the Bishops, and that the performance of it would give more satisfaction when emanating from a Board, formed as this would be, than if it emanated from a single individual. It ought to be recollected, that the appointment to the benefice might perhaps be in the Bishop's own gift; in which case, it would not be proper that he should be the judge whether it should be suppressed or not. Another reason for the adoption of the clause was, that the business ought to be done on a regular plan, so as to take from it all possibility of being directed against individuals, which was provided by the

clause. By the amendment of the noble and learned Lord, however, the business would be done by twelve persons, acting separately, and each guided by different reasons, and coming to different conclusions. The object of the whole Bill was to remove that which was a reproach to the Church; and in doing away with sinecures, they did something to improve the Church of Ireland. The question was, whether they were to suspend the appointment in parishes where there was no congregation; for he was sure that the Commissioners would never suspend the appointment where there was a congregation. He was willing to conciliate, but he could not sacrifice the usefulness of the measure. He thought it short-sighted policy to oppose the clause, and he hoped that the Protestants of Ireland would feel that the Bill was intended for their advantage.

The Archbishop of *Canterbury* said, that the clause before the Committee was a very proper subject to be inquired into. He would not believe that benefices could be called sinecures, because divine service had not been performed in certain parish churches within the period of three years. He held in his hand an account of all the benefices in Ireland, and he found that there were only sixty-six in which divine service had not been performed for the last three years. It certainly was a melancholy thing, that in so many parishes divine service should not have been performed. But yet he would contend, that the non-performance of divine service, under the peculiar circumstances which had been alluded to in the course of this discussion, did not prove that such benefices were sinecures. There was a prejudice felt against this clause, which, as it was now framed, he did not think well founded. He admitted, that every Protestant should have access to a pastor, but he did not think the Protestant inhabitants would suffer by this clause. With some change the clause would be less objectionable. Protestants could not complain if inquiries were made into the circumstances of the benefice, which inquiries would probably be made through the Bishop, or with the assistance of a Bishop; and he thought he could venture to answer for every Bishop on the Irish Bench, that he would most willingly concur in promoting such inquiry, if it were considered necessary by the Commissioners, and that they lent their power to the Bishop to enable him to do what he otherwise could not do. Further, it would be but fair to the parish, if it appeared from accidental circumstances that there had been omission of divine service before a Protestant congregation, that the funds of the parish should be suffered to accumulate during the suspension of divine service, for the building of a church and glebe house in that particular parish. He thought the concurrence of the Bishop should be required for every purpose, and the amendments to that effect might be be beneficially introduced.

The *Lord Chancellor* said, that the more he thought of the clause, the less cause he thought there was for alarm. Could there be a more episcopal body, not being altogether episcopal, than the one constituted by the clause? There were seven out of the eleven members of the Board, either strictly episcopal or appointed by the Bishops. The other four were, the two Archbishops, the Chancellor, and the Chief Justice, with two paid Commissioners, who might be either laymen or ecclesiastics. There need be no jealousy as to Episcopal Commissioners being in a minority, for it seemed to him beyond all doubt and exception that there would be a great majority of Bishops, or their nominees. He thought that it would be difficult to find a Board better constituted, or one more likely to remove all obstacles. The noble and learned Lord, had contended, that it would be more advisable to invest in the Bishop or Archbishop of the diocese, the power of dealing with the parishes in which no service had been performed for three years, previous to February, 1833. But it should be considered that giving such power would place the Bishops in a very invidious situation with the public, and the amendment proposed by the noble and learned Lord would be giving the Bishops a temptation to suspend or not suspend in the parishes of their dioceses. In there decisions they might be perfectly blameless, but he doubted whether the amendment would place them above suspicion. It would be far better to leave the power in the hands of men who could be suspected of no sinister motive in their exercise of it; the consequence of which must be, that the measure would be more satisfactory to the people. It was his opinion, that some such provisions as those contained in the clause were necessary for Ireland.

The Bishop of *London* had extreme difficulty in making up his mind as to what could be done with the clause. He certainly objected to it, as it would not provide for the residence of the parochial clergy—an object he considered of the most vital importance. He agreed with the suggestions of his right reverend friend, that a restraint should be placed on the power of the Commissioners as to suspending the livings referred to in the clause.

The Duke of *Wellington* said, that the object of the clause was not to do away with sinecures, for wherever there was a church, there could be no sinecure—but its object was, to prevent non-cures, and, as three right reverend Prelates had pointed out, the clause would not accomplish the object for which it was intended. There was no provision in it, (and such a provision he should like to see) to appoint persons to perform religious duties in parishes where they ought to be performed, and to enable them to perform those duties. Instead of taking, as the clause did, the livings in which no duty had been performed for three years previous to February, 1833, it would be better that the period should be three years from the first vacancy. He should like to see power given to the Commissioners to apply the revenues of such livings to proper purposes, so long as they remained sequestrated in their hands. If the noble Earl agreed to take the non-residence from the period he mentioned, and assured them that the revenues of the suspended livings should be applied to the building of churches and glebe-houses in places where they were wanted, he felt confident that their Lordships would support the clause, as there was not a noble Peer in that House who did not wish to give every support to the Church in Ireland.

The Earl of *Suffolk*, in supporting the clause, contended that a sinecure really meant where there was no church, and a non-cure where there were no souls; and it was for places where there were no souls that the clause especially provided.

The Earl of *Wicklow* came down to that House wishing that the whole clause should be expunged, as he at first did not see how it could be remedied. It would not apply a cure to the evils complained of, because it would not provide with churches and with religious instruction those parishes which were without them. It would be very difficult to ascertain what parishes would come under the operation of the clause, and those which would not. As he said, he thought that the clause could not be amended, but he was inclined to alter that opinion, since it appeared from what fell from the most reverend Prelate opposite, that the clause, if his suggestions were adopted, might be altered for the better. The returns showed that there were only sixty-six cases in which they would be warranted in suspending the benefices, and of these sixty-six there was a large majority in which the non-performance of the Protestant service was occasioned by circumstances over which the clergymen had no control. He objected, therefore, to the choice of those three years in which there had been the greatest agitation in the country, and the greatest obstacles to the residence of the clergy, and to the performance of the Church service. At the same time he did not think it well to leave the suppression of benefices altogether to the discretion of the Bishop of the diocess; and he thought that if the clause were properly amended, so as to make any other three years than those of agitation the criterion of suspension, and to give the Bishop of the diocess a share of the discretion, but not the whole responsibility of the suspension, there would be very little of further opposition to the progress of the Bill through their Lordships' House.

Earl *Grey* said, that all they proposed by the clause was, to take the revenues from those parishes in which divine service could not be performed, and to transfer the amount to that general fund which it was thought expedient to create for the maintenance of the Church Establishment and the promotion of religion. With respect to the causes which had been mentioned as producing that suspension of divine service, which was then the subject of their consideration, he had but to observe that the suspension in question arose sometimes from the want of a congregation, though not always; sometimes from there being no building fit for a place of worship; and occasionally from terror and intimidation; but all these matters would, of course, form subjects for inquiry with the Board, and to the hands of the Commissioners he felt assured that such subjects of inquiry could be most safely confided. As to the proposed record

of places where Divine service had been suspended for three years, and an explanation of the causes which led to that suspension, it was a record to which there could, probably, be no objection, nor should he urge any. All such details might safely be intrusted to the Board. For, constituted as it would be, he felt assured that it could have no object in view but the good of the Church and the advancement of religion. To the Commissioners he was clear, the discretionary power must be given, of deciding when and where the erection of a new church was required. The noble Earl quoted the case of Bishop Boulton's Charity, as a precedent in favour of the operation of the particular provisions of the Bill, where the performance of divine service had been suspended in a parish for three years. In his judgment no arrangement could be more beneficial than that which the Bill provided. The clause in question was one of great importance, and he earnestly hoped that the House would agree to it.

The Archbishop of *Canterbury* felt the same confidence in the Commission as that expressed by the noble Earl (Earl Grey) and the noble and learned Lord. He had no doubt that, with a Commission so constituted, the interests of the Church of Ireland would be in no danger. There was one point on which he differed from the noble Earl, but it was not one of great importance. He saw no reason why, in the case of a benefice to be suspended, the Bishop of the diocess should not interfere. It was most desirable that this respect should be shown to his authority. What he desired, therefore, was, that his consent should be necessary to the suspension of any benefices within his diocess. If it should appear that his assent was refused from any interested motives, then the matter might be submitted to the Lord Lieutenant in Council. He did not apprehend any difference of opinion between the Commission and the Bishop, unless the Commissioners should be in error. When a benefice was suspended, he thought it desirable that the funds of the benefice should be allowed to accumulate for the purpose of building in it a church and a glebe-house, in place of going to the general fund. If there was no Protestant inhabitant, then the income of the benefice might be handed over to the general fund. He wished it also to be left at the discretion of the Bishop whether a curate should be appointed, with a reasonable stipend, to perform the duties in a suspended parish, or whether they were to be performed by the clergyman of the neighbouring parish.

Lord *Wynford* would withdraw his Amendment to make way for that of the most reverend Prelate.

Earl *Grey* objected to the proposition, as leading to the creation of conflicting authorities in ecclesiastical affairs. It would place the individual Bishop in collision with the Board. He would readily agree, however, that whenever a case of suspension of the celebration of divine service came under the consideration of the Board, they should call to aid in their deliberations the Bishop in whose diocess the benefice in question was situate. He would say, that the Bishop of the diocess in which the benefice to be suspended was situated should, on that account, be a member of the Board.

The Archbishop of *Canterbury* said, that such a modification would answer most of the purposes which he had in view. He regretted, however, as their Lordships had so nearly come to an agreement, that he could not withdraw that part of his Amendmemt which went to prescribe that the sequestered funds of any benefice should accumulate in the hands of the Commissioners for the purpose of building churches, and providing a glebe-house in that benefice.

Several alterations and verbal Amendments were made in the clause: after which the Archbishop of Canterbury's Amendment was put, which went to prescribe that the funds accruing from any suspended benefice should be applied to building a church and providing a glebe-house in that benefice before any part of it should be paid into the general fund.

Their Lordships divided on this Amendment — Contents 84; Not-Contents 82: Majority 2.

List of the CONTENTS.

DUKES.	Ailesbury
Buckingham	Bristol
Cumberland	Bute
Dorset	Camden
Gloucester	Salisbury
Newcastle	EARLS.
Wellington	Abingdon
MARQUESSES.	Airlie
Abercorn	Aylesford

Bathurst	St. John
Beauchamp	ARCHBISHOP.
Belmore	Canterbury
Beverley	BISHOPS.
Brownlow	Bath and Wells
Carnarvon	Clonfert
Charleville	Exeter
Chesterfield	Gloucester
Dartmouth	Hereford
De Grey	Lincoln
Digby	London
Doncaster (Duke of Buccleuch)	Oxford
	Rochester
Eldon	LORDS.
Falmouth	Bayning
Home	Bexley
Howe	Calthorpe
Jersey	Carbery
Limerick	Colchester
Mansfield	Colville
Orford	Dufferin
Orkney	Dynevor
Rosse	Ellenborough
Rosslyn	Forester
Sandwich	Hay
Selkirk	Kenyon
Shaftesbury	Lyndhurst
Vane (Marquess of Londonderry)	Maryborough
	Meldrum
Verulam	Melross
Westmoreland	Montagu
Wicklow	Ravensworth
VISCOUNTS.	Rolle
Beresford	Saltersford
Gordon (Earl of Aberdeen)	Southampton
	Stuart De Rothesay
Hereford	Wharncliffe
Strathallan	Wynford

Paired off

Marquess of Cholmondeley

Earl Grey moved, that the House should resume.

Lord *Kenyon* complained of that course of proceeding. He had heard no satisfactory reason assigned why their Lordships should then not proceed with the Bill.

The Earl of *Wicklow* said, it was quite unusual to resist a motion similar to that made by the noble Earl who had the charge of the Bill.

The *Lord Chancellor* said, that his noble friend who had the conduct of the measure desired to have time to consider what other alterations might be necessary to make in the measure in consequence of the alteration which their Lordships had just made. If the noble Baron desired to take the conduct of the measure into his hands, he had no doubt that his noble friend would readily agree to place it in the hands of the noble Baron. But if that were not the case, it was necessary that the alteration should be considered.

The House resumed. The Committee to sit again.

HOUSE OF COMMONS,
Thursday, July 25, 1833.

MINUTES.] Papers ordered. On the Motion of Lord OXMANTOWN, Copies of Papers relating to the dismissal of two Individuals from the Irish Post Office.

Bill. Read a third time:—Stage Carriages Act Amendment.

Petitions presented. By Mr. EWART, from Liverpool, against the Rating of Tenements Bill.—By Mr. J. PEEL, from St. Ives, for the Abolition of Slavery.—By Colonel PERCEVAL, from Foxford, for a Law to secure the Better Observance of the Sabbath; from an Orange Lodge, for the Repeal of the Party Processions Act; from Killeleagh, against the New System of Education.—By Mr. MURRAY, from the Medical Practitioners of Swansea, against the Apothecaries Bill.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.] Mr. Secretary Stanley moved the Order of the Day for the House to resolve itself into a Committee on the Slavery Abolition Bill.

On the Question that the Speaker do leave the Chair,

Mr. *Ruthven* declared, that he could not let that opportunity pass of protesting against the further progress of the Bill in its present shape. He did not do so exclusively on his own part, though his feelings were strongly adverse to it; but he did so on the part of multitudes, who had the moral, religious, and physical interests of the negroes at heart. He had intended to move some Amendments, to the effect of providing for the immediate manumission of the negroes, but he hoped the hon. Gentleman below him (Mr. Fowell Buxton) would, by taking it into his own hands, supersede the necessity for his so doing. He trusted that the period of apprenticeship would be limited to one year; and he would most earnestly recommend to the hon. Gentleman to persevere in fixing it at that term. The opinion of the people of England, as expressed by their delegates in London, was adverse to the apprenticeship being continued to so unconscionable a period as twelve years; and he (Mr. Ruthven) therefore hoped the Government would see reason to change their opinions on the subject, and make the Bill more in accordance with the views of the nation. He also trusted that his Majesty's Ministers and that House would pause before they threw away on the body of West-India planters, at the present season of unexampled distress and discontent in these kingdoms, the enormous sum of 20,000,000*l.* He hoped, also, that due care would be taken for securing the free

exercise of whatever religion they chose to adopt, to the slave population of the West-Indies. Hitherto no care had been taken of that matter; but, on the contrary, it was universally known that slaves were punished for attending to the duties of religion at all, and preachers and teachers of certain sects were persecuted with almost unheard-of violence.

Dr. *Lushington* said, that, before the House went into Committee, it was his duty to propose an instruction of which he had given notice—namely, "That it be an instruction to the Committee on the Slavery Abolition Bill, to insert in the said Bill a clause for the immediate emancipation, without restriction, of all slaves who may, at any time previous to the passing of this Bill, have been brought, with the consent of their possessors, or may, at any time after the passing of this Bill, with like consent, be brought into any part of the United Kingdom of Great Britain and Ireland." He was the more urged to propose this Resolution by a case which had occurred relative to the delivery of a female slave in this country, and the subsequent enthralment of the child, as a slave, on arrival in the West-Indies. It was Lord Stowell who had decided the legality of such a procedure. He was compelled to admit, on the authority of Lord Stowell, that such was the state of the law, that if a slave, or the offspring of a slave, after enjoying the pride of freedom in Great Britain, should return to the colonies, he or she would again be thrown into slavery. Although, on such high authority, he was obliged to admit that such was the law, he could not but reprobate its abominable injustice. That was the last judgment of any public importance given by that learned Lord; and if there was anything in it which he (Dr. Lushington) could regret, besides the iniquity of the law which it asserted, it was the levity with which the learned Lord contradicted a decision formerly given, in a similar case, by Lord Mansfield. But, whatever was the state of the law, the learned Lord (Lord Stowell) himself was convinced of its injustice; and in the course of that judgment, he not once, but twice or thrice, expressed his wish that the Colonial Legislatures should apply to Parliament to interfere to prevent those outrages upon humanity; and, attached as the noble Lord was to slavery, he could not help reprobating the iniquity of the law in these cases. But no attention had been paid by the Colonial Legislatures to that humane, and, coming from such high legal authority, impressive recommendation, although it was made as long ago as November, 1827. He now held in his hand that which would prove that the very contrary effect to that intended had been produced upon these Legislatures. It was a copy of the Grenada *Free Press* of the 8th day of May, in the present year, which detailed, as if from authority, a case in which the best feelings of humanity had been grossly outraged, and the victim of violence incarcerated in a gaol. The person who was so suffering was called John Lawes, and he had emancipated himself in the year 1810, by escaping, as by the laws of God, setting those of man out of the question, he was justly entitled to do. It was by the exercise of an everlasting right, of which no Statute could deprive him. The man had rendered himself free by coming over to this country in the year mentioned. Ten years that person served his Majesty in the navy—he then settled in this country. He had an English wife and two children alive, and resident in England. At the expiration of twenty-two years, impelled by that natural desire implanted in us by Providence for the best of purposes, he returned to Grenada, to visit his aged parents; he was their seized by his former owner, and tried for having run away. The circumstances were fully detailed on his trial, but he was convicted, and the Chief Justice, in passing sentence, said, "That he had no option but to carry the colonial law into effect, and that the prisoner must be remanded to gaol, and undergo the punishment appointed by the Statute, unless, in consideration of the worthy motives which induced his return, and of the number of years which he had spent in the service of his King, and in consideration of his wife and children, his owner would consent to pardon him, which would be a termination of the cause (said the learned Chief Justice) worthy of humanity, and of the liberal opinions of the times in which we live." When such was the state of the law in the colonies, had not he a right to call on the British Parliament no longer to allow such transactions to desecrate a Court of Justice in any part of the earth, under the sway of the British Crown. There was another case even more painful than the one he had just related. A gentleman of property in the West-Indies had two female natural children, born of one of his slaves, and he sent them to England, where they re-

ceived an excellent education, after which they returned back to their native island, by which time, owing to circumstances, the estate on which they were born had changed hands, and, unfortunately, they were subject to the laws of the island; consequently those two young women, who had been liberally educated in England, were again consigned to slavery, and they were immediately put to work as common field slaves. He regretted to say, that so far from this being a solitary instance of the kind, he knew of several—but it was unnecessary for him to advert to them all. He would relate another circumstance in which the wife was in England and the husband in Antigua; she was afraid to go to her husband, from the fear of being put into slavery again as her husband had been. He (Dr. Lushington) when the owner was in England, had offered to pay the price of the slave, in order that the wife might return to her husband, but the owner refused it, and thereby effected the separation of the husband and wife, his excuse being, that if she returned to Antigua she would disturb and annoy him. Those acts were violations of humanity and of the best feelings of our nature, and he prayed the House to afford a remedy for such evils. It was his purpose to suggest, that it be an instruction to the Committee, that all slaves who had once, by the consent of their owners, come to England, or who might hereafter come to England, by which they obtained their freedom, should never be compelled to return to a state of slavery. The justice of that proposition was evident; because, if the slave owner once temporarily broke the chain of bondage, he had no right again to enforce it.

Mr. Secretary *Stanley* had intended to guard against the recurrence of such cases as his hon. and learned friend had related, by some provision in the Bill, but he had not intended to go so far as the proposed Resolution stated. However, seeing the unanimous feeling of the House, he would offer no opposition to the Motion.

Mr. *Bernal* also acceded to the Motion, and related, by way of counterpoise to the statements of the hon. and learned Member (Dr. Lushington) the case of a valuable slave belonging to the late Mr. Beckford; who was sent to this country to be cured, at Mr. Beckford's expense of a chronic disease. Of course, on coming here, he became free, but he was restless, and desired to go back to Jamaica. He was sent back, and upon expressing a wish to carry on his own business (a mason) as a freeman, Mr. Beckford generously liberated him.

Mr. *Warre* expressed his entire satisfaction at the general measure proposed by his Majesty's Ministers in the Bill before the House, and he was of opinion that, despite of some details to which objection might be taken, it would achieve the great object they all had in view, and give general satisfaction to the country. The proposition of his hon. and learned friend was such as ought to be well received by the House and the public; and he hoped there would be no opposition offered to it. With respect to some of the details of the Bill—the apprenticeship period for instance—he should say, that he did not fully concur in every particular; he thought the period of apprenticeship should be very much abridged, though he did not desire it should be confined within such small limits as those proposed by the hon. member for Weymouth. On that part of the Bill he had expected to have been enlightened as to the final views of the Government by the speech of the hon. member for Leeds last night, but he had to confess, now that the speech was made, he was, in point of information on that subject, just where that speech found him. It was agreed on all hands, that an intermediate or preparatory state was necessary previous to the complete manumission of those at present in slavery; the question, therefore, was, what was to be the term of that preparatory period? But supposing the period of preparation satisfactorily fixed, he wished to know what would become of the aged and infirm slaves during the apprenticeship? He wanted to be satisfied as to who was to maintain them, clothe them, lodge them, all that time, &c. This was a question which had not been put before, and which he much wished, for the sake of humanity, to hear answered now.

The Amendment agreed to, and the instruction to the Committee ordered.

The House resolved itself into a Committee.

Mr. Secretary *Stanley* hoped the Committee would excuse him for adverting to the position in which, after the discussion last night, the Government stood. It was impossible, to look to the opinion then expressed, not to perceive that there was a strong feeling, not, he believed, against the principle of apprenticeship as an intermediate state of probation between slavery and perfect freedom, but against the period

which Government had adopted for that purpose. Undoubtedly it was perfectly competent to the House to limit the twelve years which Government had proposed to a somewhat shorter period; and, looking to the opinion expressed last night, while the Government felt it absolutely essential not only by way of compensation to the master, but also for the welfare of the slave population, that there should be an intermediate state, as a real and effective apprenticeship, he must state, that anxious as he was, consistently with the duties of Government to other parties, to make proper concessions to the wishes of the House, it was deemed expedient, instead of retaining the period for predial apprenticeship twelve years, and non-predial apprenticeship seven years, to confine the former to seven years, and the term of the latter to five years. This substitution he hoped would meet the wishes of the House, while he still thought it would not be inconsistent with the principle of a real and effective intermediate apprenticeship. Indeed, he might say, that the periods would virtually be reduced to six and four years, because, by the new arrangement, the plan would come into operation in 1833 in place of 1834, and the time would end in 1840 in place of 1845.

Lord *Howick* was pleased by the concession which Government had made, but at the same time he was not quite satisfied. He wished the right hon. Gentleman to push his concession a little further; and although there were a variety of provisions in the Bill which he decidedly objected to, he would in that case decline entering his opposition. He was anxious that the grant, whatever its amount might be, which the country was to give to the West-India proprietors by way of compensation, should not, as to one-half, become payable in any colony, until complete personal freedom had been obtained by all the slaves—in short, that one-half of the sum should be reserved till the period of apprenticeship had been fulfilled.

Lord *Althorp* said, the sense of the House had already been taken upon that point, when the principle had been rejected. Undoubtedly, although Government were anxious to disarm the opposition and gain the assent of the noble Lord to other parts of the Bill, they could not for that purpose abandon what they considered the only just and right course which the House had already determined on.

Lord *Sandon* complained, that a direct violation had been committed of the contract which had been made by Government with the West-India body, for the purpose of gaining their co-operation, and without the least communication having been made on the subject. He considered the modification in itself a direct departure from a specific contract; and he thought he had good reason for charging on Government a direct breach of good faith in regard to the West-Indian body.

Mr. Secretary *Stanley* said, the negotiation into which the Government had entered with that body, as to the precise period of twelve and seven years' apprenticeship, was undoubtedly binding on them as members of that House; but it only bound them as Ministers to propose that term to Parliament. It was quite competent for the House to accede to or reject it. He called on his noble friend to say, whether there had not been on the part of the Government every endeavour to maintain their part of the agreement; but, surrounded as they were with difficulties on all sides, notwithstanding their utmost exertions to keep inviolable their portion of the contract, there were circumstances, as was evident from the close division of last night—a division (he did not deny it) in spite of every effort of the Government to secure a large majority — which might render it impossible for them to carry the term of twelve years to its full extent. Certainly, if the noble Lord insisted on it, he felt himself bound to give him his vote; individually, he must personally redeem his pledge as a man, but he should then feel it to be his duty to look to his character as a Minister.

Lord *Sandon* wished to give his right hon. Friend every assistance in carrying this measure to a safe issue; but complained, that Ministers had yielded to popular clamour, and not to the opinion of the House; for he did not think the division of last night compelled them to make this alteration. He would not hold his right hon. friend bound in the manner stated; but was sorry for the alteration he proposed.

Mr. *Patrick Stewart* protested against the alterations which were proposed. He could not but express his regret at those which had already taken place. At the same time he would do his best to help the Ministers out of their difficulties, and get the Bill through the House.

Lord *Althorp* said, the noble Lord seemed to think, that Ministers ought to have

waited for a division against them; but it should be remembered, that Ministers had the means of ascertaining pretty nearly how the question would be decided. And it was more respectful to the House to adopt the course that had been adopted. If Ministers had been moved by any force, it was by the force of opinion in that House.

Mr. *Ewart Gladstone* thought it hard, that the West-India body should be thrown overboard by a mere inference upon the division of last night. He did not consider, that the Resolutions of last night involved any necessity for the coming to such a conclusion as that adopted by the Government. It was hard to overthrow a definite contract upon an indefinite supposition.

Mr. Secretary *Stanley* said, if it should ever occur to the hon. Member to have a place in the Government, he would come to different conclusions upon such divisions. He believed the Ministers had pursued the soundest and best course for all parties.

Mr. *Briscoe*, as an independent Member, referred to the Resolutions which had been sent out by the Government to the Colonies. These, he contended, were a matter between the Government and the Colonies. But still they referred to a time to be fixed by Parliament; and it was not fair to charge Government with running from their agreement under such circumstances.

Mr. *O'Connell* said, that the contract insisted on was a left-handed document, for a large party of the West-Indians themselves did not agree to it, and had exerted themselves to set it aside. He approved of the Ministers conforming to the views of the House of Commons.

Mr. *Buxton* was quite convinced, that the present period, even after the modification which had just been announced, was too long. There was a strong apprehension that they would not have the cordial co-operation of the West-India body, and that was a strong argument against the granting of the whole Compensation Fund before the apprenticeship had terminated.

Lord *Sandon* reminded the hon. Member, that the sum was only to be granted when the measure became law. If the plan did not take effect, the sum would not be granted.

Lord *Althorp* said, the utmost limit he could go to as a Minister, in limiting the term of apprenticeship, was that then stated by his right hon. friend.

Mr. *Poulter* was glad to find, that some concession had been made to public feeling; and he hoped the right hon. Gentleman would not attempt, by merely nominal alterations, to—

> "Cloy the hungry edge of appetite,
> By bare imagination of a feast."

The Amendment was agreed to.

The Chairman reported progress, and obtained leave to sit again.

BREACH OF PRIVILEGE.] Mr. *O'Connell* said, he rose to call the attention of the House to a matter which he considered of very great importance—the manner in which the proceedings of that House were reported in the public prints.

Colonel Perceval rose to order, and moved, that strangers should withdraw. The Gallery, however, was not cleared, and

Mr. *O'Connell* proceeded. He was aware, that the House was engaged in an important measure, which he was sorry to delay, but he thought it his duty to rescue that House from a most degrading species of slavery. The hon. Member went on to complain of his speeches, and the speeches of other Members, having been imperfectly and incorrectly reported in the newspapers. He therefore thought it his duty, as the reports had been this Session worse than ever they were before, to call the attention of the House to the subject.

Sir *Edward Knatchbull* rose to order. As the Standing Orders of the House did not recognize any reports of their proceedings, he thought the hon. and learned Member must be out of order in discussing such a subject.

The *Speaker* said, that he understood the object of the hon. and learned Member's Motion to be to enforce the Standing Orders of the House, in consequence of the inaccuracy of the reports of their proceedings. If by sufferance such reports were published, it was a double breach of privilege to publish them incorrectly, and it was competent for any hon. Member to move the Standing Order for the exclusion of strangers on that or any other ground which he might think fit.

Mr. *O'Connell* continued. The Speaker had described the purpose of his (Mr. (O'Connell's) Motion in better language than he could have done. He should move, that W. I. Clement be called to the Bar of that House. He had also to complain of the proprietors of *The Times*, Mrs. Anna Brodie, Mr. J. J. Lawson, &c.; but he gave the priority to *The Morning Chronicle*, on account of the article which appeared that day, excusing the omissions of a report of a speech of his (Mr. O'Connell's.)

The article in question exhibited evidences of shrinking; but he found, that the very same day a speech of his (Mr. O'Connell's) was treated in the same manner. He ascribed the inferiority of the reports to incapacity in the reporters, as the most charitable view of the subject which he could take, and attributed that incapacity to the falling off in the wages of the reporters; but perhaps that was not the case. He was, therefore, compelled to suppose that there were some other motives. He did not complain of the misreporting of his own speech in particular, for he believed, that hon. Members had in general been very impartially misreported. The hon. Member then proceeded to state, that he had procured from the Stamp Office a list of the Journal Proprietary of the Metropolis, and that he should wage war with them all till he defeated them—that he would move day by day for their appearance at the Bar of the House for breach of privilege. He alluded to *The Morning Chronicle*, as under the control of an hon. Member of the House, whom he would not then name. He attributed the defects he imputed in the Reports of Parliamentary speeches to the deteriorated character of the reporters. He then denounced the monopoly of the Press, and said, that a capital of 20,000*l.* was insufficient to originate a new morning paper. The chief burthen of the hon. Member's complaints was that of his own speeches—those he deemed the best were often not reported at all. Of all the morning papers, *The Morning Post* was the one in which he had observed the greatest impartiality—a circumstance which probably arose from the reporters being generally Scotchmen. The hon. and learned Gentleman laid on the Table of the House copies of the *The Morning Chronicle* and *Times* of yesterday, with the legal documents from the Stamp Office, which served to show the proprietorship of these Journals, and concluded by moving, "that Mr. W. I. Clement, the proprietor of *The Morning Chronicle*, be called to the Bar of the House to-morrow for publishing certain reports, purporting to be accounts of their proceedings.

Mr. *O'Dwyer* seconded the Motion. He stated that he had himself, by his literary labour, been greatly assisted in his progress to the station of independence in which he was at present placed; but he could not allow that, having been engaged in putting down despotism of other kinds, the House should submit to the spurious despotism which it was now attempted to exercise over its Members. The hon. Gentleman then read an extract from a Report in a morning paper, in which the hon. and learned member for the University of Oxford (than whom no man practised more unvarying courtesy) was made to speak of the hon. and learned member for Dublin and "his tail." This could not be a mistake—it was a wilful falsehood. If the writer meant that he (Mr. O'Dwyer) was a joint of that tail, his answer was, that he had been returned to Parliament independently, by a free constituency. He heartily approved of his hon. and learned friend's Motion, because it would bring the question to a short issue.

Lord *Althorp* observed, that the hon. and learned member for Dublin had brought the question of a breach of privilege forward in a very extraordinary form. The technical reason assigned by the hon. and learned Gentleman for his Motion was, that the proceedings of Parliament were reported in the newspapers; but the real reason was, that the proceedings of Parliament were not reported in the newspapers. He (Lord Althorp) was sure that there was no Gentleman in that House who wished to do anything to prevent a fair and impartial report of the proceedings of that House from going into the country. He believed that, generally speaking, the reports of the proceedings in that House were given in a very fair manner. He did not speak from any extensive examination of them; for his time would not allow him to do that: but, whenever he had seen any report of their proceedings, he generally found that they were very fairly reported. It certainly appeared to him, that it must be for the interest of those who reported the proceedings, to report them fairly. As it must, of course, be the wish of the public to receive a fair and impartial report, he could not think that the reporters could find it their interest to depart from fairness and impartiality. Upon this subject he could not help observing, that the hon. and learned member for Dublin was experiencing a little of the effect of what he formerly called "passive resistance." With respect to the reports of the debates, no man could wish them to be discontinued; and every man must wish that they should be fairly and impartially given. As to the proposition made by the hon. and learned Member, he (Lord Althorp) did not think that it was one to which it was advisable to accede. He thought that the expression of opinion in that House, that the power exercised by those who reported the proceedings should

be exercised fairly, would be sufficient. He hoped, therefore, that the hon. and learned Gentleman would not persevere. As matters stood, they could not, in common sense, call persons to the Bar for publishing their debates, when it was so generally understood that they should be allowed to do so. He repeated his hope, that the notice which had been taken would be sufficient to remedy the evil of which the hon. and learned Gentleman complained.

Mr. *Baldwin* said, that, as far as he had been able to observe of all the Members of that House, his hon. and learned friend, the member for Dublin, had been the best treated in the reports of their proceedings which appeared in the newspapers. His hon. and learned friend had even been better treated, in comparison, than the hon. and right hon. Gentlemen opposite. He regretted that his hon. and learned friend had made that attack, the consequence of which was, the hostility towards him of the individuals in question. Considering his hon. and learned friend as one of the main props of the interests of Ireland in that House, he should exceedingly regret any circumstance that would diminish his usefulness; and he requested him, in the name of the Irish people, to withdraw his Motion. If his hon. and learned friend should persevere, he would certainly vote against him. It appeared to him that, generally speaking, those who reported the proceedings, reported with great fairness; and he repeated that, if any one had been favoured by them, it was his hon. and learned friend.

Mr. *O'Connell* said, he would so qualify his Motion as to defer the attendance to Monday. Beyond that he would not go. If the noble Lord would consent to the appointment of a Committee to inquire into the subject, he should not have any objection to the proposition. But he would not consent to be a victim without defending himself.

Lord *Stormont* was at a loss to know with what view the hon. and learned member for Dublin wished to call the parties in question to the Bar. It must be either to punish them for the offence of publishing the proceedings of that House—a proposition which could hardly be made; or to dismiss them untouched. That was the situation in which the Motion would place the House. The individuals in question were to be brought up upon a breach of privilege, which breach of privilege was, publishing the proceedings in that House; and then the charge that was to be made against them was, not that they published reports of the speeches of other hon. Members, but that they did not publish reports of the speeches of the hon. and learned Gentleman. It was, no doubt, much to be desired, that the reports of the proceedings of that House should be fairly and impartially reported; and he was certainly of opinion that, during the last two years, the reports had not been given with so much ability and impartiality as formerly. But he did not see how that could be remedied by calling the parties in question to the Bar.

Lord *John Russell* felt that great inconvenience would attend the carrying of the hon. and learned Member's Motion. Supposing the proprietors or the editors of these newspapers attended at the Bar of the House, and promised that in future the speeches of hon. Members should be fairly reported, was that House to dismiss them after a declaration made by them, that they would commit a breach of privilege? The course which he had generally taken in matters of privilege was, not to pronounce any decision upon them when they were noticed, for the first time, in the House; because he had always found, that in such cases the House was apt to come to a hasty and passionate judgment. He was therefore inclined on the present occasion to move the previous question. At the same time, without saying that he entirely agreed in what had fallen from the hon. and learned member for Dublin, he was bound to state, that those who were permitted by the indulgence of the House to report the proceedings, greatly abused the power they possessed if they deprived any individual of that advantage which he might fairly expect from his speeches going forth to the country. He recollected, that his noble and learned friend, the present Lord Chancellor having, when a Member of that House, let fall some expressions not personally agreeable to the reporters, the punishment inflicted on him was, the entire suppression of his speeches on questions of law, and foreign and domestic policy. This was undoubtedly an abuse of the power which the reporters possessed; but he thought, that the Motion of the hon. and learned Member would involve them in difficulties, from which they could not escape without loss of dignity. He should therefore be disposed to move the previous question, if he could do so consistently with the orders of the House; but at all events he could not accede to the proposed Motion.

Sir *Samuel Whalley* said, that considering the variety of topics discussed in that House, it appeared wonderful to him, not that the speeches were inaccurately reported, but that they were so well reported. If a full report of all the speeches spoken in that House were taken, no newspaper would be large enough to contain it. It was most important that the proceedings of that House should be as soon as possible communicated to the people, in order that they might know the votes which their Representatives had given, and the reasons which guided their conduct; and it was therefore desirable that no party feeling should influence the reporters in the discharge of their duty. He thought, that that House would place itself in a most painful and disagreeable situation if, in consequence of summoning these parties to the Bar, they refused in future to sanction the publication of Debates. A more advisable course to adopt would be to exert the privilege of the House only when the speeches of hon. Members were misreported; and in such cases the Chair should be called upon to reprimand the parties guilty of the misrepresentation. He trusted the hon. and learned Member would not press his Motion.

Mr. *Tennyson* hoped, that his hon. and learned friend would withdraw his Motion. The publishing of any report of the proceedings of that House was undoubtedly a technical breach of the privileges of that House; but to misreport was a grosser and more real breach of privilege. The total omission of any speeches, which was in fact garbling the report, did certainly place that House in a position quite different from that in which it ought to stand. There was but one opinion in the House—that such a practice ought to be discouraged; and that, if persisted in, some steps ought to be taken by the House to stop it. He perceived inconvenience in adopting the course proposed by his hon. and learned friend, and it did not appear to him calculated to correct the evil. He, therefore, hoped his hon. and learned friend would withdraw his Motion, and then the House would have time to consider what measures ought to be taken if the offence complained of should be repeated.

Mr. *Spring Rice* confessed, that it appeared to him desirable that the House should follow the advice given by his noble friend, and refrain from pronouncing an opinion on the case which had been brought under its notice; because the House could not be disposed to take a course which would compromise its privileges, or adopt a Motion which it was admitted by all, not excepting the hon. and learned Member himself, could lead to no practical result. The hon. and learned member for Dublin had not himself stated, nor had any one else suggested, what the House was to do if the Motion was carried. The House was placed in this dilemma—they must either adopt a Motion which would lead to no definite result, or negative it, notwithstanding that its rejection might affect their privileges. He had formerly been placed in the same situation as that in which the hon. and learned Member now found himself; but instead of occupying the attention of the House with anything relating to so humble an individual as himself, he felt, that the most fitting course to pursue was to treat the matter with the most perfect indifference. Could, then, no remedy be obtained in such a case? There was a remedy, and that was, to appeal to the principle of fairness and common sense; but if they did not rely on the good sense and impartiality of the public (he did not speak of the mere instruments by which the debates were reported), he was afraid that they had no remedy at all. Was it possible that any Gentleman could seriously entertain the idea that it could be expedient or proper for the House to employ reporters? If they employed official reporters, he was afraid that they must likewise employ official readers. In that case every word spoken must be taken down and then the Debates would be perfectly valueless and useless as far as regarded any practical purpose. That was not the place to criticise the published reports of the discussions in Parliament. The public required those reports, and if any newspaper published a partial account, the public had the remedy in their own hands; and unless an attempt was made by distortion to give a colour to the Debates, which might create an impression out of doors, either derogatory to the character of the House, or of the individual Members of it, the less they interfered with the reporters the better. On these grounds he would take the liberty of moving the previous question—a course which he found was adopted in 1771. When a paper was read, and a Motion was made that Thomas Wright should be called to the Bar; the previous question was then put and carried. The hon. Gentleman, on referring to the Journals, found that he stated the result incorrectly—the previous question

having been negatived. He contended, however, that the fact of the previous question having been then entertained, proved that he had the power to move it, and he should propose it, in order that the House might not be called upon either to adopt or negative the original Motion.

Mr. *Ayshford Sanford* thought, that after the declaration which had been made a few days ago by the hon. and learned Member, that his speeches were ludicrously misreported, the reporters could not do otherwise than not report him in future. With respect to the published reports of their proceedings, his (Mr. Sanford's) impression was—and as he seldom spoke, and was but little reported, he might be supposed to speak with impartiality, that they were given with as much accuracy as could fairly be expected, and he did not think that the hon. and learned Member's present complaint, that he was not reported at all, consistent with the statement he had previously made of being misreported. In his opinion the House would do well to imitate the conduct of the other House with regard to reporters, and provide them a convenient place for taking notes.

Sir *Robert Inglis* assured the hon. Member (Mr. O'Dwyer), that he had not made use of the expression which the hon. Member had complained of; but at the same time, he could not understand why hon. Members from Ireland should be offended at its application. At least there was another part of the empire where no offence was taken at the title. In fact, men as gifted, high-minded, and as honourable as any persons in that House, or in the empire, had gloried in the title. As the attention of the House had been called to the manner in which their proceedings were reported, he begged to say, that he was perfectly astonished at the general accuracy with which the Debates were communicated to the public. Their fidelity might be considered extraordinary, even if time were allowed for their preparation; but when the expedition with which they were published was taken into account, the correctness with which they were given was more than extraordinary—it was almost marvellous. The proceedings of the House appeared to be taken down as it were instinctively, while they were published with a rapidity quite astonishing.

Sir *Robert Peel* said, he would vote for the Motion if he thought it would effect the object which the hon. and learned Member had in view—if it would tend to check that which was admitted to be an abuse—the suppression of speeches by reporters, in consequence of their having taken offence at expressions used in that House. But he did not understand how, with all his ingenuity, the hon. Member would be able to effect this object by the course he proposed to take. The power of that House was so great in such cases, that the hon. and learned Gentleman himself would not call upon them to exert it. They might, if they chose, exclude strangers from the gallery altogether, and that step would entirely prevent the publication of reports. The exertion of that authority, however, would be perfectly in opposition to public feeling, and might be of serious injury to the transaction of public business. And yet what other control had they over the reporters unless they called before them such of them as suppressed speeches, and threatened them for their misconduct, though they might not choose to carry their threat into execution; another course was, not to prevent, but to authorize the publication of reports. He thought, however, that the recognition of reporting, for the purpose of obtaining a verbal and perfectly accurate report of all that passed in that House, would be attended with great inconvenience. This he did not hesitate to say, that in his opinion a verbal report of their speeches would not tend to raise the character of any Member of that House. To speak of so humble an individual as himself, he should exceedingly deprecate any verbal report of what might fall from him. Yet, if they recognized reporters at all, they must employ Mr. Gurney, or some other eminent short-hand writer, for the purpose of giving a verbal account of all that passed in the House. Such a plan, however, would not secure a faithful transcript of their proceedings, since so much depended on the manner and on the occasion in which things were said. In the present case, the hon. and learned Member might depend on it the public would of themselves apply a remedy to the evil. The hon. Member was of too much importance in the country to allow of his speeches being suppressed. Supposing the practice of which he complained should be persevered in, other means would assuredly be found than the interposition of that House to put a stop to it. He thought, that if the hon. and learned Member were well advised, he would not persist in his Motion to call Mr. Clement to the Bar, since the House would be unwilling to

exert the power they possessed against that individual. It was his impression that the House, reserving to itself, as in his opinion it should always do, the power of excluding strangers, could do nothing to improve the present system of reporting. He confessed he had read with alarm the statement made by the hon. and learned Gentleman a few days ago, that the pecuniary allowances made to the reporters had much diminished of late, for he drew from it the melancholy inference that much less anxiety prevailed to hear what the Reformed Parliament said, than used to be displayed with regard to the proceedings of its predecessors. The hon. and learned Gentleman said, that the reporters salaries had fallen from six guineas to two guineas a-week, and that only proved to him that the public took only one-third of the interest in what the present Parliament was doing compared with former Parliaments. He believed, however, that the hon. and learned Gentleman was wrong in that statement, and that he had since corrected it. With respect to the reports of the debates in that House, he must say that it appeared to him that they were given with great impartiality and wonderful fidelity. He really thought that, considering the unwillingness which was often manifested by the Members of that House themselves to listen to speeches, the reporters ought to be excused if they did not report every word which was uttered. At times, too, much confusion prevailed in the House, and in the course of that evening, when an hon. Member got up to speak, many Gentlemen rose and quitted their places, causing in consequence so much noise as to render accurate reporting almost impossible. Undoubtedly, not only the hon. and learned Member himself, but the public also, had a right to complain of his being made a victim of the prejudices of the reporters, yet he would advise the hon. and learned Member, after having by his Motion elicited the unanimous opinion of the House, that the grievance of which he complained was an abuse, not to press it. He thought that the hon. and learned Member had better withdraw his Motion, than force the House either to negative it or to carry the previous question. The public were interested in obtaining fair and impartial reports of the debates in that House, and there need be no apprehension entertained but that this abuse would correct itself. If, however, justice was not done to the hon. and learned Member in future, he was confident that a fortnight would not pass over without some means of checking the evil, more effectual than the interposition of that House, being adopted. In his opinion, the interposition of the House would not procure the redress which was wanted, for he thought the mutilation of speeches worse than their entire suppression: yet it was perfectly impossible to prevent that mutilation. It was ridiculous to suppose, that the House could sit in judgment on the merits of every report of speeches delivered in that House. The right hon. Baronet concluded by repeating his advice, that the Motion should be withdrawn.

Mr. *O'Connell* said, he should postpone his Motion for the present, but renew it on this day week, unless the reporters altered their conduct with respect to him.

Motion and previous question withdrawn.

Ministerial Plan for the Abolition of Slavery.] The House resolved into Committee on the Abolition of Slavery Bill.

Mr. Secretary *Stanley* proposed to fill up the blank in the first clause, which reduced the compulsory labour of the slaves to ten hours in the day, or sixty hours in the week, with the date, November 1, 1833.

Mr. *Marryat* thought, that the proposed date was too early a period for the clause to come into operation, and moved as an Amendment, that the "1st of June, 1834," be substituted for the 1st of November, 1833.

Mr. Secretary *Stanley* said, the effect of the Amendment would be to continue to the slave-owner the power he now possessed for twelve months longer. He objected to the Amendment, but if it was persevered in, he thought it would be better to extend the term to the 1st of August, 1834, when the new system of apprenticeships would begin. The right hon. Gentleman also stated, that it was the intention of Government to send out stipendiary Magistrates as soon as possible, and, notwithstanding all that had been said about the difficulty of procuring persons competent to discharge the duty in consequence of the lowness of the salary, the Government had received numerous applications from persons well-fitted by their education for the situation,—he meant officers receiving half-pay in the army and navy.

Mr. *Marryat* said, he would act upon the suggestion of the right hon. Secretary,

and move the insertion of the words 1st of August, 1834, instead of the Amendment he had at first proposed.

Lord *Howick* said, that though an enemy to slavery, and though much disgusted by the horrors of flogging, he could not for the sake of the slaves themselves, and for the sake of their masters, give his consent to take away that on which slavery alone could stand, before preparations were made for a new state of things. The right hon. Secretary's proposition was to continue slavery in a modified form, and yet to deprive the planters of that by which alone they could retain the slaves in subjection —namely, the whip. He was afraid that the abolition of the power of punishment would lead to much mischief. He contended, that the slaves being secured against the infliction of flogging, and not excited by any other motive, would neglect their work. To substantiate this argument, the noble Lord read an extract from the evidence of Captain Elliott given by a gentleman before the Committee of last year, to the effect that the labour done by the negroes in Demerara had decreased one-fifth, in consequence of the banishment of the whip from the field. When the House considered the extent of Jamaica, and the distance at which some of the plantations were from the Magistrates, he thought it would conclude that great danger would be likely to result from taking away the power of the master. To make the stimulus of the whip effective, it must be more severe and cruel than at present, and he could not contemplate such an increase of severity without horror. He would recommend the House to omit the clause.

Mr. *Patrick Stewart* hoped, that the stipendiary Magistrates who were to be appointed would be ready to take their situations when the transfer of the powers of the Magistracy was to be made. It would be essential to the security of the colonies that it should be so. If the success of this measure depended on anything, it depended on the two first clauses. If the House persisted in retaining the 1st of November, 1833, as the day on which the new system, putting an end to the domestic authority of the owners, was to come into operation, he had considerable fear that the greatest confusion would ensue; for what was there between that day and the 1st of August, 1834, when the system of apprenticed labourers was to begin, that could be used to restrain them? The new Magistrates could not by that time have commenced the exercise of their functions. He urged the House not to put to hazard the whole plan by persevering in a part of it by which they could obtain nothing.

Mr. *O'Connell* trusted, that every effort would be made by the Ministers to carry the clause in order that the next crop might be obtained under a mitigated system of slavery, to enable the emancipation to begin from the 1st of November.

Mr. *Fowell Buxton* thought there was nothing that could compensate the use of the whip for a longer period than that at which it was determined it should cease. The West Indians, however, now proposed to retain it for six months longer. However, it was probably necessary that some sacrifices should be made. If the power of the whip was taken away, and the power of wages not brought into operation, there would no doubt be a diminution of industry, so that he should refuse a concession of the continuance of the domestic authority till May, provided a corresponding concession was granted in the shortening of the term of apprenticeship, which was but a system of half slavery and half freedom.

Mr. *Evelyn Denison* thought it was not worth while, for the sake of a few months, to try any new experiment. He did not think the negroes were naturally cruel. On the contrary, he believed them to be docile; but at the same time he wished the officers to be ready to act when the change took place, and therefore he hoped that the changes now proposed to be effected on the 1st of November, 1833, should be postponed to August, 1834.

Mr. Secretary *Stanley* was pleased with the mode in which the clauses of this Bill were now discussed. He thought it was impossible to retain the two dates of November and August, and to fix any middle period for the date of the commencement of the apprenticeship, but he thought he had something to propose which might satisfy all parties. When he went into office, he found that it had been for twenty-five years a matter of dispute with the colony of Jamaica whether their House of Assembly there had or had not a right to send bills over to this country without the suspending clause. The difficulty could be met by instructing the Governors not to assent to Bills, except under particular restrictions; but he was prepared on this particular occasion to waive the suspending clause, and then the colonial Acts passed to carry this Bill into effect might

come into operation as they were passed. The object now was to effect the emancipation under circumstances the most beneficial possible to all parties. He thought it might be a question whether they might not anticipate the 1st of August, 1834, now fixed for the commencement of the apprenticeship, and fix, instead of it, the 1st of June, and suspend till that time the operation of the first stage of the Bill. He did not propose that without some apprehension; but it seemed to him the easiest and least objectionable mode of getting out of the difficulty. He hoped, therefore, that he should not be blamed, under such circumstances, for adopting it. The term of apprenticeship, which was now fixed to terminate on the 1st of November, 1840, would then terminate on the 1st of June in that year. By this change they would obtain the advantage of having Magistrates on the spot; and as an additional inducement to agree to it, he might say, that they should have the acquiescence of gentlemen of opposing interests and parties who would unite to carry the system into operation, and by that means they should double the effect of the authority of Parliament, and add to the safety of the measure itself.

Dr. *Lushington* assented to the proposition of his right hon. friend, and assured the Committee that his only wish was to see this measure carried into full effect in the best manner possible. It was quite true, that in the interval between the end of the domestic authority of the master, and the commencement of the apprenticeship, it was probable that the negro would not work, partly from excitement at the anticipated change of his condition, partly from the absence of the old terror, and partly from the fact that the new and modified terror had not come into operation. Against that danger it was proposed to provide, by leaving in the hands of persons on the spot, the power of inflicting punishment. The plan of the right hon. Gentleman was good, as it would give further time to the Local Legislatures to make new regulations. He hoped there would not be a single dissentient voice on the subject, in order that the plan might have the greater effect in the colonies.

Mr. *Robinson* was pleased with these mutual concessions of the two extremes of opinion. He approved of the plan of the right hon. Gentleman. He did not think that in the meantime the power of punishment would be used with severity.

Mr. *Young* expressed his gratification at the modification of the plan, and at the spirit in which it had been received. He wished, however, that the period fixed had been the 1st of August, instead of the 1st of June. On a balance of the loss and gain of time by the change, the planters would certainly be the losers.

Mr. *Fowell Buxton* would consent to the plan now proposed, in the hope of shortening the term of apprenticeship.

Mr. *Stanley* trusted there would be unanimity on this subject, and that the Committee would not be divided about quibbles as to comparative loss or gain of time.

Lord *Howick* preferred the original Motion to the Amendment, and objected to the compromise now proposed. He had a great objection to flogging, but as long as slavery existed, it could not be dispensed with.

Lord *Althorp* thought there would be no great difference as to the time between the two periods, but the fixing the two changes on the 1st of June would be more likely to lead to an accommodation of opinion. Besides that, by the 1st of June the instructions could be sent out to the Governors so as to enable them to notify fully the intentions of the Government.

Mr. *Baldwin* should have no objection to give his consent to the proposition of the right hon. Gentleman, if the effect was likely to be what was anticipated, but he objected to it because he thought the change would not induce the Colonial Legislatures to give their assent to the measure, but they would look upon it as showing a vacillation of purpose. The sooner the House took away the power of punishment the better. The intermediate state would prepare both master and negro for the change, and enable the negro to become accustomed to the habit of working without punishment. The power of punishment should be in the hands of Magistrates, and not in the hands of planters.

The Amendment proposed by Mr. Secretary Stanley was agreed to, and the clause was agreed to.

On the 6th clause being read, enacting that the apprenticeship of predial slaves should terminate,

Mr. *Bernal* said, that it was now proposed to fill up those blanks with the words "1st of June, 1840."

Mr. *Fowell Buxton* said, that he was sorry to be under the necessity of addressing the House once more upon this subject.

He had hoped that the Government in consequence of the division of last night would have consented to make such an alteration in this clause as would have given general satisfaction. No man could be more convinced than he was that the catastrophe to which the noble Lord had alluded—namely, that the Ministry would be compelled to resign, if further essential alterations were made in the Bill—would be a great calamity. It was only justice to the members of the present Administration to say, that he had received from them support a thousand times stronger than any which he had ever received from their predecessors in office; and the very fact of their having come forward to propose a grant of 20,000,000*l.*, knowing the obloquy to which such a proposal was certain to expose them, was the best proof of their sincerity in this cause. He was satisfied that, if they determined upon having a protracted period of apprenticeship—and seven years was, in his opinion, a very protracted period—they would have all those melancholy results produced which he had described on a former night. This proposition of apprenticeship was founded on delusion. Supposing that negroes were different from the rest of mankind, some people complained that they would not work without wages. Now, he thought that no man would work long without wages. But, he would ask, had it ever been tried whether the negro would work with wages? To explain the apathy with which it was said, that negroes worked in the fields in Jamaica, he would quote an extract from the evidence given before the Committee by a Mr. Simpson, who had been for twenty-four years the manager of considerable estates in that country. He was asked, "Did you ever try the system of reward for laborious exertion among the negroes on your estate?" His answer was, "No." He was then asked, "Do you know what would be the effect of offering them 6*d.* a day as wages?" He replied, "I never tried it." He was then asked, "Did you ever know it tried in Jamaica?" And his reply was, "No, never to my knowledge." And this gentleman was acknowledged to be one of the best-informed and most intelligent of the witnesses who had been examined. Now he must say, that it was not fair to pronounce such a summary sentence upon the disposition of the negroes without having any proof of the fact before them, and yet here was a broad declaration from a practical man that the system of reward for labour had never been tried upon the negro character, and this alone was the stimulus which would induce man to work in a state of freedom. The real question was, "will the negro work for wages?" And it was no answer to tell him that the negro would not work when he had no wages. Now, if it were really to be put to the test, he would answer for it that it would be found to be all idle talk to say that the negro would not work for wages. He had one fact to prove the contrary, and it was valuable. A gentleman in one of the colonies had occasion to make a road on his estate, and he offered to pay for the making of it, to the owner of a gang of negro labourers, the sum of 30*l.* This sum was refused, and the next offer was to pay for them at so much a day, which was accepted. The gentleman who had the road to make, then called the negroes together, and offered them 5*d.* a day extra if they would work heartily. Their answer was, "Oh yes, massa, 5*d.* a day will make de stone break easy;" and they worked with such will that the road was finished in a very few days, and at an expense of 13*l.* He did not mean to underrate the apathy which prevailed among the negroes in the West Indies; but he thought that the following definition of the effects of slavery, which was given by a person who had lived long in a slave country, might perhaps explain it. This person said that "the slaves appeared lost to reason and to feeling; that their spirit was broken, and that their faculties were sunk in a stupor, which he could not describe. Every spring of hope was destroyed in their breasts; they appeared indifferent to all around them — abject, servile, brutish." This, he was aware, might be turned against him, and it might be said, that such men were unfit for freedom; but he would beg to say, that the statement applied not to negroes, but to men with British blood in their veins, to men who were Christians, and the account was given by the British Consul at Mogadore. The effects of long slavery were nearly the same in all men, whether Europeans or negroes. The case of Adams, who was a long time detained captive in Africa, was a strong illustration of this; in fact, Europeans as well as Africans, placed under similar circumstances, would soon appear as abject, as brutish, and as servile, as those parties whom they had been describing. Nearly the same thing might have been said of the Christian slaves who were long in captivity at Algiers. "Thief and liar" were almost

proverbial epithets, as applied to the Christian dogs, as the captives in Algiers were called. The Mussulmans looked upon them as a set of brutish and sottish men, who would not work without strong coercion, and some of them went so far as to express their surprise that Providence should have created such a set of drones. The only solution of the difficulty which they could make was, that the Christian dogs had been created solely for the purpose of serving the Mussulmans. It was not a little curious to find that the Africans entertained nearly the same opinions of Europeans who got into captivity amongst them as some of the Europeans of the present day entertained of the Africans. In the account given of the wreck of the Oswego, there was a statement of the opinions entertained by Africans of the Europeans, or white men; they considered them a set of wretched, abject beings, too lazy to work, so that they were obliged to send to Africa for slaves to help them to cultivate their soil, which they were too idle and too ignorant to do themselves. Now, it so happened that Mr. Shand, in his address to some Scotch farmers on the subject of the negro population, and the very words which he applied to the Africans, had been applied by the Africans, in the case he had mentioned, to the Europeans. In both cases the colour of the skin was taken as a test of the capacity of the individual, and in each case that colour was considered a sufficient reason why the party should remain perpetually a slave. The hon. Member then contended against the principle of compulsory labour, and expressed a hope that Ministers would consent under all the circumstances, greatly to reduce the period of apprenticeship. He should feel disposed to suggest that it should be limited to two years from June last; but out of deference to the opinions of others, he would consent to a longer period, and would therefore move, as an amendment, that the apprenticeship should expire in the year 1836, instead of 1840, as now proposed by Government.

Mr. *Hardy*, in seconding the Motion, said, that he considered the period proposed by the hon. Member to be sufficiently liberal. It was a gross anomaly to say, that a boy of six years old should become free at thirteen, while a man who had spent sixty years of his life in captivity, should have seven years more of that dreadful state to undergo before he could be declared free. The only way to get rid of the anomaly would be to emancipate both in the shortest possible period. He saw nothing but continued confusion, continued anxiety, and irritation, in a protracted period of apprenticeship, in a state which was neither freedom nor slavery—in a state where a slave would have one-fourth of his time each day, but in such a way as could render it of very little use to him. Looking at the circumstances under which the slave became a captive, and considering that he never received any part of the price which had been paid for him, he thought it extremely unjust that the slave should be called on to repay to the master any portion of that price, or that his slavery should be protracted one day for that purpose. The hon. Member entered into a series of calculations to show that the planters under the arrangement proposed by the hon. member for Weymouth, would get more than the value of their slaves. He therefore considered the proposition of the hon. member for Weymouth to be extremely liberal, and gave it his most cordial support.

Lord *Althorp* repeated what he had said in the early sitting of the House, that Ministers, in reducing the term of apprenticeship to seven years, or rather in fact to six years, for it would be only six from the time the measure was to take effect, had gone quite as far as they were prepared to go. In point of fact, saying that the apprenticeship should be limited to two years (for in effect his hon. friend's amendment would make it two years only) from the commencement of the Act, would be nearly equivalent to no apprenticeship at all. His hon. friend would therefore do much better to reject all apprenticeship. He did not dispute the fact for which his hon. friend had contended, that slaves would work if inducement were given to them; and one object of this Bill was to hold out such inducement. He was glad to hear from his hon. friend the admission that Ministers were disposed to do some good to the negroes. After the language which had been used that evening, comparing them to freebooters, it was satisfactory to hear from such good authority as his hon. friend, that the great object of this Bill was to benefit the negro. Looking at his hon friend's Amendment as totally destructive of one great principle of the Bill (for they might as well have no apprenticeship at all as the short interval which he had proposed), he would give it his decided opposition.

Dr. *Lushington* expressed the great pain

and the deep regret he felt at being obliged to differ from the arguments urged by his noble friend, and from the conclusions to which he had come. He deeply regretted to see his noble friend departing from that straightforward course, and falling into miserable inconsistencies, and into a violation of the eternal principles of justice. He looked upon this anomaly of apprenticeship as the most unjust and impracticable which could be conceived. The principle was defensible only on two grounds; either as compensation to the planters, or as an act of justice to the negroes themselves, to put them into a state preparatory to freedom. Ministers had yesterday insisted that a duration of apprenticeship for twelve years was necessary for the purpose; to-day they reduced that period by five years. Now he would ask would his noble or his right hon. friend, in the face of the British public, repeat the preamble of the Bill, declaring it to be just and expedient that all persons holden in slavery should be manumitted and set free, and that reasonable compensation should be made to the persons hitherto entitled to the services of such slaves—would they, he repeated, admit this, and at the same time assert that these slaves should be continued for a still longer period in captivity? A long course of injustice to the slaves was already admitted; but what was there, he would ask, that had been urged by his noble friend or the right hon. Secretary for the Colonies which could be dignified with the name of an argument, that could justify this principle of heaping injustice upon injustice? What argument was there to show the right of one man to take from another that freedom which God had given him? It might be said, that he was ungrateful in not acknowledging the good which Ministers had done, and in not giving up abstract theories in order to promote the great object in view. He was grateful to Ministers for what they had done, for the great risk they ran in promoting a measure which, he fully admitted, was intended to benefit the slave. He was willing to admit the pecuniary terms, and to consent that 20,000,000*l.* should be given from a distressed people for this great object, but he would not consent to a violation of the principles of justice. Calling upon him to give up theoretic views, was only asking him to go a certain length in the path of injustice, for the sake of expediency. After an eulogy on the general conduct of Government, and an expression of confidence in their general measures, the hon. and learned Gentleman stated that he was ready to concur with them in most of those measures; but he would not go with them in what he considered a violation of the principles of right. Though he thought that there ought to be no apprenticeship, he would consent to a small term, as he could not get a better arrangement. The slave, he observed, was ready and willing to work and support himself if he obtained his freedom. In conclusion, he expressed his hope, that Ministers finding themselves unable to carry this measure for seven years, the question of apprenticeship might be given up as impracticable. This was his hope: he wished he could say it was his expectation. He should regret if anything he had said was calculated to give pain to his hon. friends below him, which he assured them would be greatly painful to himself, as it must be painful to differ from those for whom he had so much respect.

Mr. *Ward* said, that some of the expressions which had fallen from the hon. and learned Member who had just sat down, who had called himself the friend of the noble Lord, and the right hon. Gentleman near him, showed at least that Ministers were very unfortunate in their friends. With all the hon. and learned Gentleman's friendly feelings towards them, he had applied to them the terms of miserable inconsistency, and a violation of the principles of justice. The hon. and learned Gentleman must have admitted the necessity of apprenticeship when he assented to the resolutions to which the House had agreed. He (Mr. Ward) admitted that the right hon. Secretary for the Colonies was wise and prudent in reducing the term of apprenticeship to seven years, but he hoped that there would be no further reduction, for he considered it necessary for the slaves themselves, preparatory to their entering into a state of freedom.

Lord *Morpeth* wished to make a single remark. He voted last night for the Resolution of the hon. member for Weymouth, because, although he had voted for the Resolutions proposed by his right hon friend, and it was superfluous for him therefore to say that he considered himself bound by that vote, yet he was unwilling to doom a creature to what was in fact a long life of servitude. His right hon. friend, however, having that morning discreetly and fairly proposed a considerable diminution of the term of apprenticeship, he was not prepared, for a comparatively small period of time, to risk the entire loss

of the measure in the present Session. To carry the best measure which it was possible to carry—to obtain the greatest amount of good within his reach—that was his understanding of the doctrine of expediency. All great measures, on which differences of opinion existed, could be carried into effect only by some compromise between the contending parties; and it was on that ground that he should vote for the reduced term of apprenticeship proposed by his Majesty's Ministers.

Colonel *Torrens*, though he did not yield either to the hon. member for Weymouth, or to the hon. and learned civilian, the member for the Tower Hamlets, in a sincere and ardent desire for the total and immediate abolition of slavery throughout the British colonies, yet he could not, on the question now before the House, come to the conclusion at which they had arrived. In a densely peopled island like Barbadoes, where all the land was already occupied, and where, in consequence, the means of supplying subsistence were deficient, there could be no doubt but that labour could be obtained for hire. There the pressure of necessity, the absolute want of food, would compel the negro to work for wages; and therefore, in the old colonies circumstanced like Barbadoes, instantaneous emancipation, without intermediate apprenticeship or preparation, might take place. But the case was widely different with respect to the colonies of Trinidad, Berbice, and Demerara. In these there were immense tracts of the most fertile land still unoccupied; and, as every individual could with little labour raise abundance of subsistence for himself as an independent cultivator, labour could not be procured for wages. The error of the hon. member for Weymouth, therefore, amounted to this. He adopted general principles, and applied them to practice without regard to the varying circumstances by which, in different cases, the operation of general principles was modified and controlled. It was a general principle, that men were willing to work for wages, because, in general, men could not obtain a living unless they worked for wages. But this general principle was not applicable to those particular circumstances in which men could obtain sufficient subsistence by "working for themselves and not for another." The principle so forcibly contended for by the hon. member for Weymouth was true with respect to the old and thickly peopled colonies, but was not true with respect to the new and thinly peopled colonies. It was true with respect to Barbadoes, but was not true with respect to Trinidad. The hon. member for Weymouth said, and said most truly, that the negro partook of the same common nature with ourselves, and that the African and European races were alike actuated by human feelings and human motives. He would entreat that hon. Member to deal with this question, not by abstractions and hasty generalizations, but by careful inductions from experience and from fact. He would entreat him to consider, what was the actual conduct of the men of the British race when placed in circumstances similar to those in which, as he contends, the African would work for wages:—when Englishmen go out to new colonies, where fertile land can be obtained for nothing, they almost immediately cease to work for wages, and cultivate small patches of soil on their own account. It was a well established fact, which could not be confuted, that, in our new colonies, and in the back settlements of the United States, a sufficient supply of labour could not be obtained for hire; and that the independent cultivation of land, which could be procured for little or nothing, was preferred to working for wages. Upon what principle, and for what motive, then, could it be supposed, that emancipated slaves in Jamaica, Trinidad, Berbice, and Demerara, would work for wages? When we knew from ample experience that, under similar circumstances, a civilized and Christian people fall back to the semi-barbarism of squatters and woodsmen, was it rational to suppose that the negro would advance to civilization? That instantaneous emancipation without a previous preparatory state, which might be attended by the happiest effects in the old and densely-peopled colonies, might perpetuate barbarism in the new and thinly peopled colonies. To apply the same general rule to these different cases, would be pernicious and absurd. But the hon. and learned civilian, the member for the Tower Hamlets, went far beyond the hon. member for Weymouth in the vehement and unmitigated assertion of general principles. The learned civilian affirmed, that he would not give up one iota of principle for any living man. He (Colonel Torrens) would venture to ask the hon. Member to explain what he meant by a principle? Was not a principle a general rule, the application of which produced good to living man? General principles, considered as naked abstractions, went for nothing—their value

could not be separated from their utility. In legislation, to adopt general principles for their own sake, and to enforce them when their application would occasion evil and not good, was fanaticism and quackery. But whence arose the new-born and vehement zeal of the learned civilian in the assertion of general principles? Where were his principles when Ministers first propounded their plan of emancipation to the House? For a long period the learned civilian and the hon. member for Weymouth gave no opposition to the ministerial plan—nay, they appeared to acquiesce in it, if not to approve of it. On the first division, the hon. member for Weymouth left the House without voting, and thus disappointed and misled those who were pledged to follow him on this important question. Why was not the ministerial project of emancipation opposed in the first instance? and wherefore was the unmitigated assertion of abstract justice delayed until after the Government was committed and Parliament pledged, and the glad tidings conveyed to the colonies? Why was the ministerial project acquiesced in on its first announcement, while there was yet time and opportunity to frame a better measure? and wherefore was the vehement denunciation of the learned civilian delayed until the eleventh hour, until the Government had become so committed that they could not consistently recede, and until the throwing out of this measure might lead to the resignation of Ministers, might throw all into confusion, and postpone emancipation to an indefinite period? Was this done because the learned civilian would not give up one iota of principle for any living man? He was somewhat surprised when he heard that assertion. Did the memory of the hon. and learned civilian furnish him with no instance in which an advocate, in the discharge of his professional duties, found it expedient to yield up some small iota of principle in defending a weak and doubtful cause? There was no principle more binding than that men should adhere to truth; and yet it would not be denied by the learned civilian, that in the actual business of life an eminent lawyer might feel himself justified in employing long and vehement pleadings to make the worse appear the better reason. He was not one of those who objected to legislate upon general principles. He had endeavoured to make himself acquainted with general principles. But he felt bound to say, that he believed the confusion and mischief, which resulted from legislating in absolute ignorance of general principles, was scarcely less extreme than the confusion and mischief produced by that half knowledge which applied general principles indiscriminately, and without regard to the varying circumstances which modified their operation. He repeated, that he did not yield to the hon. member for Weymouth, or to the hon. member for the Tower Hamlets, in a sincere and ardent desire for the total and immediate abolition of negro slavery. Instantaneous emancipation might be effected without danger in Barbadoes, because there the negro population would become free labourers compelled to earn subsistence by working for wages, and would be concentrated within the limits of civilization and moral and religious instruction. But emancipation without a due period of preparation could not be accomplished in Trinidad, and the other new colonies, without producing the most injurious consequences; because we know, from the conduct even of Europeans when placed in similar circumstances, that if the negroes in these colonies were at once let loose, they would not work for wages, but would become dispersed throughout the fertile forests, withdrawn from communication, from co-operation, and from all the means of intellectual improvement and religious instruction. Why did an enlightened and religious people demand the abolition of slavery in the colonies? Was it for the sake of an abstract principle? No. It was, that in these colonies the negro race might be formed into civilized and Christian communities, and not into tribes of squatters and bushmen relapsing into their original heathen barbarism. For these reasons he believed that, in all the new colonies, a sufficient period of probation should precede complete freedom from the master's control; and, accordingly, he must vote against the Amendment, which went to apply the same general rule to the old and to the new colonies.

Mr. *Buckingham* said, he had listened with great attention to all the arguments that had been adduced in favour of the protracted servitude of the slaves; but the progress of the whole discussion had only proved to him how inextricable were the embarrassments that were sure to surround those who set out on a wrong principle. It was in this way alone that he could account for the fallacies, absurdities, and self-contradictions, by which the plans of the Ministers were characterized. He was

glad, however, to find, that as they proceeded, gleams of light were occasionally breaking in on the darkness in which the great question was sought to be enshrouded; and that every step they advanced, the injustice of slavery became more and more apparent. Of all the plans that he had yet heard proposed by any one on the Ministerial side, that of the Chairman of the Committee (Mr. Bernal) appeared to him the simplest and the wisest—namely, that the House should merely pass two resolutions—the one declaring that slavery should be immediately and entirely abolished throughout all parts of the British dominions; the other, that compensation should be granted to the full extent of loss proved to have arisen from such abolition; and that, in the event of the Colonial Government, completing the first, the British Government would guarantee the second. He had no doubt whatever, that had the whole question been put on this simple footing, slavery would have been entirely abolished within a single year; and all parties would have been satisfied. Now, however, the question was so complicated and confused, and such perpetual changes were demanded by both parties, in the shape of reciprocal concession, that many years must elapse before the abolition could be effected, unless, indeed, which was extremely probable, the slaves should take the matter into their own hands, and speedily emancipate themselves. As to the immediate question before the House, it was merely this, whether any further time of servitude beyond the short period requisite for organizing the change, was either necessary or desirable; and if both, what was the exact space of time that should be fixed. The House had already pledged itself, by a preceding clause, that there should be some term of apprenticeship; and it was now called upon to determine its best limits. He must say, for himself, that he thought the decision of this question would depend entirely on the view taken by Members as to the reason for enacting any period of apprenticeship at all. If the restraint were intended to prepare the slave for freedom, then he should say that a single year for the agricultural labourers would be quite sufficient; particularly if, during that period the slaves were carefully made acquainted with the obligations that would be imposed on them by their new condition, and should have explained to them, by daily teachers, the great advantages which would result to themselves from sobriety, industry, prudence, and subordination. But for the artizans and artificers, who in large numbers maintained themselves by their own labour, and paid over weekly a surplus as tribute to their respective owners, not a single hour of apprenticeship would be necessary—they were already fit for freedom; they needed no probation; and therefore they could be safely emancipated without a moment's delay. If, however, the apprenticeship were intended as a part of the compensation to be paid to the planters, by prolonging to them the profits of the servitude of their slaves, he would say, that it would be far better to let the whole compensation be paid in money, and set the unhappy slaves free. He would rather, if he were compelled to choose, have the twenty millions made thirty, and the emancipation pronounced at once, than pay twenty millions for emancipation now, and have to wait seven years for its completion after all. He was one of those who contended that no compensation should be paid till loss could be proved; and the only cases in which it was certain that loss would accrue, was in that of the artizans and artificers, whose release from their bondage would occasion to their masters the loss of the weekly tribute which they received from their labour. But for the cultivators, he believed no compensation would ever be required, as it had been proved, by evidence the most unimpeachable, that free labour was in the end more profitable than slave labour; and, therefore, the proprietors of estates would be rather gainers than losers by the transition from one to the other. Let the House but once acknowledge the true principle, of the right of the slaves to their freedom, without delay and without price, and then all those difficulties would vanish. They would then find that some might be emancipated immediately, others in six months, others in a year, and the whole in two or three years at the furthest, with benefit to themselves, and safety to all concerned. He regretted that he had heard of no provision being made, during this state of probation or apprenticeship, for the education or religious instruction of any class of the slaves; and yet it must be evident to all, that if no steps were taken to ensure these blessings to the negroes, they would be just as unfit for the enjoyment of freedom at the end of the seven years as at the present moment; and as far as preparation was concerned, it would

then, instead of being completed, be to be begun. He contended, then, that as no further period of slavery could be justified on the ground of further compensation, and as no probation could be useful without the aid of that moral and religious instruction for which provision was made, he was an advocate for the immediate emancipation of the negroes; and would not, if he were free to choose, vote for any delay whatever. As, however, the House had decided on some period of apprenticeship, and two terms were now submitted to their choice, he should prefer the shortest; and on these grounds he would give the Motion of Mr. Buxton his cordial and hearty support.

Mr. *Pease* contended that wages were the only proper stimulus of labour; and though he was sorry to vote against his Majesty's Government, he would support the shorter term of apprenticeship.

Admiral *Fleming* would not vote for the proposition of the hon. member for Weymouth, because he felt that its adoption would be injurious to the negroes themselves; for care must be taken that they and their families were not driven from the estate on which they were born and bred. When they became free the planters would pick out the best to employ and drive away all the old and infirm.

Mr. *Strickland* felt bound, in consistency with the opinion which he had expressed on a former occasion, to vote for the shorter period of apprenticeship. The sum of twenty millions given to the planters was a large one; and his Majesty's Government ought, in return, to meet the voice of the people, and make the term of apprenticeship as short as possible.

Mr. *Rigby Wason* recommended that they should combine apprenticeship with adequate wages. From the closest calculations, taken from the average price of negroes, he found that 20,000,000*l.* would buy the fee-simple of all the estates in the West Indies; but the value of the slaves at 25*l.* a-head might be 22,000,000*l.* For 20,000,000*l.* therefore, he thought the planters might at once give up all property in their slaves. He should say seven years in preference to a larger period, provided wages could be combined with apprenticeship, but as that was not to be the case he would vote though in opposition to Ministers for the Amendment.

The House divided on the Original Motion, Ayes 206; Noes 89—Majority 117.

The Clause was agreed to.

List of the NOES.

ENGLAND.

Aglionby, H. A.
Attwood, T
Bainbridge, E. T.
Barnett, C. J.
Beauclerk, Major
Bish, T.
Blake, Sir F.
Brigstock, W. P.
Briscoe, J. I.
Brocklehurst, J
Buckingham, J. S.
Buller, C.
Calley, T.
Cayley, E. S.
Chandos, Marquess of
Chichester, J. P. B.
Darlington, Earl of
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On Clause 6 being proposed,

Mr. *Halcombe* rose to move an Amendment, which, he said, had for its object the enabling the negro to shorten the term of his apprenticeship, and to be the arbiter of his future fortunes. He thought it would be advisable, however, not to free all the slaves at once; and this object would be attained by making some difference in the length of notice which slaves

should be called upon to give their masters of their wish to cease their apprenticeship. The hon. Gentleman then read his Amendment; which was, that it should be added as a proviso to the Clause, that it should be lawful for any apprentice to cease his apprenticeship any time before 1840, by giving, if above the age of eighteen, and under thirty, two years' notice to his master: if above thirty and under forty, eighteen months' notice: and if above forty, one year's notice only.

Mr. Secretary *Stanley* said, the Committee having decided that the apprenticeship should be terminated at a given period it could not be left to either party to alter that period.

Amendment withdrawn, and the clause agreed to.

Clause 7 being proposed,

Lord *Howick* moved, as an Amendment, that, "The term of apprenticeship should be reduced from June, 1838, to August, 1834." The object was, of course, to do away with the apprenticeship altogether of non-predial labourers. He did not expect the Amendment would be carried, from the recent result of another Amendment, but he wished to have his opinions recorded.

Mr. *Patrick Stewart* did not see why this distinction should be made in favour of the non-predial labourers. For his part, he thought it best to amalgamate all the three clauses, and fix one term for all sorts of slaves, and that term six years.

Mr. *Fowell Buxton* agreed with the hon. Member that such an amalgamation would be a good method, and he would heartily support the hon. Member if he would propose the same term for predial slaves which the Bill fixed for household slaves.

Mr. Secretary *Stanley* said, the Committee should recollect that they had already decided that a distinction should be drawn, and he thought very fair grounds had been shown for such distinction.

The Amendment was negatived, and the Clause agreed to.—The 8th Clause was passed.

The House resumed, the Committee to sit again.

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